

85/09/11

1 WESTWOOD BID and authorized the Board of Directors of the WESTWOOD BID to manage
2 funds and spend a portion of the funds collected by the CITY as special assessments from
3 business property owners within the boundaries of the WESTWOOD BID.

4 2. The complaint further seeks to enjoin the WESTWOOD BID, its Board of
5 Directors, and its Executive Committee from taking any action, including receiving such funds
6 and/or authorizing the expenditure of such funds from the CITY, because these entities and
7 parties have no legal authority to manage the WESTWOOD BID including HILGARD HOUSE
8 or to authorize the expenditure of any portion of assessments collected by the CITY from
9 HILGARD HOUSE.

10 3. The complaint also seeks a declaration from the court that the special assessment
11 to be levied by the CITY upon HILGARD HOUSE for use by the WESTWOOD BID is
12 unconstitutional because HILGARD HOUSE will not receive "a special benefit over and above
13 the benefits conferred on the public at large and ... the amount of [the] contested assessment is
14 [not] proportional to, [but is] greater than, the benefits conferred on" HILGARD HOUSE. (*Cal.*
15 *Const, art. XIII D § 4 (f).*) In addition, the complaint also seeks a declaration from the court that
16 the special assessment levied by the CITY for use by the WESTWOOD BID is unconstitutional
17 because the special assessment "exceeds the reasonable cost of the proportional special benefit
18 conferred on that parcel." (*Cal. Const, art. XIII D § 4 (a).*)

19 4. The complaint also seeks the issuance of a writ of mandate pursuant to *Code of*
20 *Civil Procedure § 1085* to compel the CITY and the WESTWOOD BID to comply with the
21 California Constitution as stated above and to refrain from collecting, receiving or spending any
22 special assessments, and, in particular, any special assessments from HILGARD HOUSE or
23 WESTWOOD INVESTMENTS because said special assessments "exceed[] the reasonable cost
24 of the proportional special benefit conferred on" HILGARD HOUSE and because HILGARD
25 HOUSE will not receive a special benefit over and above the benefits conferred on the public at
26 large and the amount of the special assessment is not proportional to, but is greater than, the
27 benefits conferred on HILGARD HOUSE.
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1 **II. PARTIES**

2 5. Petitioner and plaintiff WESTWOOD INVESTMENTS is a duly created and
3 existing California Limited Partnership doing business as HILGARD HOUSE HOTEL which is
4 located in the CITY within the Westwood business area. WESTWOOD INVESTMENTS is a
5 taxpayer in the CITY. Hilgard Management Company, Inc. ("Hilgard Management") is a
6 corporation duly licensed and doing business in the state of California and is the managing
7 General Partner of WESTWOOD INVESTMENTS.

8 6. Respondent and Defendant CITY is a municipal corporation, obligated to conduct
9 its affairs in conformity with the laws of the State of California.

10 7. Respondent and Defendant WESTWOOD BID is a Business Improvement
11 District created by the CITY and is funded by special assessments on businesses and property
12 owners in Westwood, including WESTWOOD INVESTMENTS doing business as HILGARD
13 HOUSE. The day-to-day activities of the WESTWOOD BID are to be overseen by an Owner's
14 Association of which HILGARD HOUSE and WESTWOOD INVESTMENTS are not members.

15 8. Does 1 through 10 were at all times relevant to this petition and complaint the
16 employees, agents, or otherwise in privity with the remaining respondents and defendants.
17 Petitioner/plaintiff is ignorant of the true names and capacities of respondents and defendants
18 sued herein as Does 1 through 10, inclusive, and therefore sues these respondents by such
19 fictitious names. Petitioner/plaintiff will ask leave of this court to amend this complaint to allege
20 the true names and capacities when ascertained.

21 9. Petitioner/Plaintiff is informed and believes, and on such basis alleges, that each
22 of the Doe defendant/respondent herein was, at all times relevant to this action, the agent or
23 employee or in privity with the remaining defendant/respondents, and was acting within the
24 course and scope of that relationship. Petitioner is further informed and believes, and thereon
25 alleges, that each of the defendant/respondents herein gave consent to, ratified, and authorized
26 the acts alleged herein to each of the remaining defendant/respondents.

1 **III. STATEMENT OF FACTS**

2 10. On April 27, 2011, the City Council of the CITY enacted Ordinance No. 181601
3 (the "Ordinance") establishing the WESTWOOD BID as a business improvement district
4 pursuant to *Streets & Highway Code § 36600, et seq.* A true and correct copy of the Ordinance
5 is attached hereto as Exhibit "A" and incorporated herein by this reference as though set forth in
6 full herein. The Ordinance was based upon and implemented the Westwood Business
7 Improvement District Management District Plan (the "Plan"). A true and correct copy of the
8 Plan is attached hereto as Exhibit "B" and incorporated herein by this reference as though set
9 forth in full herein.

10 11. The Plan was based upon the Westwood Property-Based Business Improvement
11 District Engineer's Report (the "Report"). A true and correct copy of the Report is attached
12 hereto as Exhibit "C" and incorporated herein by this reference as though set forth in full herein.

13 12. The Plan and the Report provide for the imposition of a special assessment (a
14 District Wide Assessment) for *all* business properties located within the WESTWOOD BID
15 (including HILGARD HOUSE) calculated pursuant to a formula articulated in the Plan and the
16 Report. The special assessments are expressly intended to fund projects including:
17 "clean/safe/beautiful, parking and traffic management, communication, special projects, and
18 management." (Plan at 3.) According to the Plan, WESTWOOD BID proposes to spend
19 \$751,213 (58% of its budget of \$1,300,513) for: "Walking and Bicycle Patrol", "Sidewalk
20 Sweeping", "Sidewalk Pressure Washing", "Graffiti & Handbill Removal", "Trash Removal",
21 "Landscape programs" and "Tree Lighting"; \$231,250 for "Parking System Improvements",
22 "Signage", "One Way-Two Way streets", and "Increased Parking"; \$125,000 for *unspecified*
23 "Special Projects"; and, \$163,050 for "Management/City Fees/Slow Pay." (Plan at 3-4.)

24 13. According to the boundaries of the WESTWOOD BID, the primary area served
25 by the WESTWOOD BID is also included in an area serviced by an existing Sidewalk
26 Maintenance District ("SMD") that already provides services including sidewalk maintenance to
27 properties within the SMD. HILGARD HOUSE is not located within the SMD but was placed
28 in a "Maintenance Overlay District" within the WESTWOOD BID. (Plan at 4, 7.)

1 14. Both the Plan and the Report expressly acknowledge that, because HILGARD
2 HOUSE is not located within the SMD, HILGARD HOUSE requires *fewer* of the services to be
3 provided by the WESTWOOD BID; however, HILGARD HOUSE will be obligated to pay the
4 District Wide Assessment Rate as well as an additional Maintenance Overlay Assessment Rate.

5 **Maintenance Overlay District**

6 Parcels within the District, but not within the SMD *are on the periphery of the*
7 *District* and are made up primarily of high rise office buildings. **Because the**
8 **pedestrian traffic is much lower in the Maintenance Overlay District the**
9 **frequency of sidewalk maintenance, graffiti removal and other maintenance**
10 **services are much less than the SMD in order to provide the same level of**
11 **cleanliness that is provided by the SMD assessment. Parcels within the**
12 **District, but not within the SMD will pay an additional maintenance overlay**
13 **assessment to receive services similar to those provided to parcels within the**
14 **SMD.**

15 (Plan, at 12; Report, at 4.¹)

16 **Parcels within the District, but outside the existing Sidewalk Maintenance**
17 **District will pay an additional Maintenance Overlay rate in addition to the**
18 **District wide rate. The total assessment rates for parcels not included in the**
19 **existing Sidewalk Maintenance District are a total of the District Wide**
20 **Assessment Rates and the Maintenance Overlay Rates.**

21 (Plan, at 4.)

22 15. The method used to calculate the total special assessment to be collected from
23 WESTWOOD INVESTMENTS (which is a combination of the District Wide Assessment and a
24 Maintenance Overlay Assessment) is unconstitutional because, by way of example: (a) the
25 proportionate special benefit derived by each identified parcel in the WESTWOOD BID was not
26 determined in relationship to *the entirety* of the capital cost of a public improvement, the
27
28

1 Unless otherwise indicated, all emphasis supplied all internal quotation marks omitted.

1 maintenance and operation expenses of a public improvement, or the cost of the property related
2 services being provided to HILGARD HOUSE; and, (b) the total special assessment is not
3 proportional to but is greater than the benefit to HILGARD HOUSE. (*Cal. Const., art XIII D,*
4 *§ 4(a) and (f).*) HILGARD HOUSE is being required to pay *more* than the District Wide
5 Assessment while receiving *less* proportional benefit than is provided to other properties in the
6 WESTWOOD BID.

7 16. In addition, the method used to calculate the Maintenance Overlay Assessment is
8 improper because the WESTWOOD BID proposes to "multiply the [total WESTWOOD BID
9 Maintenance Overlay budget] by the square footage of the lots in that area." (Report at 13.)

10 17. The method used to calculate the Maintenance Overlay Assessment is
11 unconstitutional because a special assessment must be based upon the benefit to HILGARD
12 HOUSE, not simply a calculation designed to cover the WESTWOOD BID's ongoing budget.

13 18. HILGARD HOUSE made a formal written objection to the special assessments to
14 be imposed upon it by the CITY for the WESTWOOD BID. A true and correct copy of the
15 March 24, 2011, correspondence to CITY Councilperson Paul Koretz objecting to the creation of
16 the WESTWOOD BID and the special assessment is attached hereto as Exhibit "D" and
17 incorporated herein by this reference as though set forth in full.

18 19. On April 15, 2011, HILGARD HOUSE, through counsel and William Edwards,
19 President of Hilgard Management, met with the CITY and representatives of the organizers of
20 WESTWOOD BID to express HILGARD HOUSE's objections to the special assessments of the
21 WESTWOOD BID, without success.

22 20. In 2001, HILGARD HOUSE entered into a written settlement agreement with the
23 then iteration of the Westwood BID for refunds of assessments imposed (because HILGARD
24 HOUSE was not receiving a legally appropriate special benefit from the Westwood BID).
25 Included in the agreement was the provision that HILGARD HOUSE would not be included in
26 future iterations of a Westwood BID.

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FIRST CAUSE OF ACTION

**(For Injunctive Relief Against the CITY To Restrain a Waste of Taxpayer
Funds (C.C.P. § 526a))**

21. WESTWOOD INVESTMENTS incorporates by reference the allegations of paragraphs 1 through 20, inclusive, of this complaint and petition as though set forth in full in this place.

22. The CITY, by threatening to impose and collect a special assessment from WESTWOOD INVESTMENTS and to distribute such funds to the WESTWOOD BID is wasting taxpayer funds because the imposition of a special assessment upon WESTWOOD INVESTMENTS as defined by the Plan and Report is unconstitutional. The CITY has acted unconstitutionally in imposing a special assessment upon WESTWOOD INVESTMENTS and threatening to release those funds to WESTWOOD BID and should be restrained from continuing to do so.

SECOND CAUSE OF ACTION

(For Injunctive Relief Against WESTWOOD BID (C.C.P. § 526))

23. WESTWOOD INVESTMENTS incorporates by reference the allegations of paragraphs 1 through 20, inclusive, of this Complaint and Petition as though set forth in full in this place.

24. The WESTWOOD BID, by threatening to receive and spend a special assessment from WESTWOOD INVESTMENTS, is wasting taxpayer funds because the imposition of a special assessment upon WESTWOOD BID as defined by the Plan and the Report is unconstitutional. The WESTWOOD BID has acted unconstitutionally in seeking to impose and threatening to receive from and spend a special assessment upon WESTWOOD INVESTMENTS and should be restrained from continuing to do so. WESTWOOD BID should be restrained from taking any action to implement the Plan and Report.

THIRD CAUSE OF ACTION
(For Declaratory Relief Against All Defendants)
(C.C.P. § 1060)

25. WESTWOOD INVESTMENTS incorporates by reference the allegations of paragraphs 1 through 20, inclusive, of this petition and complaint as though set forth in full in this place.

26. An actual controversy relating to the legal rights and duties of the respective parties has arisen in that CITY and WESTWOOD BID assert that they have acted in conformity with the laws concerning special assessments, that the CITY can impose a special assessment upon WESTWOOD INVESTMENTS, according to the Plan and the Report which includes imposition of a basic District Wide Assessment and an additional Maintenance Overlay Assessment for fewer services to be provided to HILGARD HOUSE. WESTWOOD INVESTMENTS disagrees with these contentions, contends that the actions of the CITY and the WESTWOOD BID are unconstitutional.

27. A judicial resolution of these controversies through declaratory relief is necessary and appropriate at this time.

PETITION FOR WRIT OF MANDATE
(Against CITY and the WESTWOOD BID)
(C.C.P. § 1085)

28. WESTWOOD INVESTMENTS incorporates by reference the allegations of paragraphs 1 through 20, inclusive, of this petition and complaint as though set forth in full in this place

29. The action taken by the CITY in creating the WESTWOOD BID pursuant to the Plan and Report and in authorizing a special assessment against properties in the Management Overlay District including HILGARD HOUSE which is to include the District Wide Assessment and the Maintenance Overlay Assessment for fewer services than are to be provided to other properties in the WESTWOOD BID is in violation of the California Constitution. A writ of

1 mandate should issue directing the CITY to set aside its illegal actions and to either modify the
2 special assessment for HILGARD HOUSE so that the special assessment is legally proportionate
3 to (and no greater than) the special benefit to be afforded to HILGARD HOUSE or exclude
4 HILGARD HOUSE from the WESTWOOD BID.

5 30. WESTWOOD INVESTMENTS has no adequate, plain or speedy remedy at law
6 for the actions of the CITY and the WESTWOOD BID.

7
8 **WHEREFORE:** Petitioner and plaintiff prays as follows:

9 1. For an injunction against the CITY, pursuant to Code of Civil Procedure §526(a),
10 restraining the CITY from collecting any special assessments pursuant to the Ordinance or
11 distributing such special assessments to the WESTWOOD BID pursuant to the Plan and Report,
12 or, in the alternative, from collecting any special assessments from HILGARD HOUSE or
13 WESTWOOD PROPERTIES pursuant to the Ordinance or distributing such special assessments
14 to the WESTWOOD BID pursuant to the Plan and Report;

15 2. For an injunction against WESTWOOD BID, pursuant to Code of Civil Procedure
16 §526(a), prohibiting it from taking any action in furtherance of the Plan and Report as they
17 involve HILGARD HOUSE, or in the alternative, from receiving or expending any
18 WESTWOOD BID funds;

19 4. For a declaration that CITY and the WESTWOOD BID have no authority to
20 collect and spend the special assessment in connection with the WESTWOOD BID pursuant to
21 the Plan and the Report;

22 5. For a declaration that the CITY acted in violation of law by creating the
23 WESTWOOD BID in conformity with the Plan and the Report;

24 6. For a declaration that the CITY's action in creating the WESTWOOD BID in
25 conformity with the Plan and the Report is null and void;

26 7. After trial on the petition for a peremptory writ, that a peremptory writ issue
27 under seal of this court, as follows:

28 a. For a writ of mandate vacating the CITY's Ordinance No. 181601;

1 b. For a writ of mandate invalidating the assessments imposed by the CITY
2 pursuant Ordinance No. 181601 for distribution to the WESTWOOD BID; or, in the alternative,

3 c. For a writ of mandate directing the CITY to set aside its authorization to
4 impose a special assessment against HILGARD HOUSE or WESTWOOD INVESTMENTS in
5 favor of the WESTWOOD BID;

6 d. For a writ of mandate requiring the CITY to return any special assessment
7 imposed upon HILGARD HOUSE to fund the WESTWOOD BID, contrary to the California
8 Constitution;

9 8. For attorneys' fees pursuant to Code of Civil Procedure § 526(a) and Code of
10 Civil Procedure § 1021.5;

11 9. For costs incurred herein; and,

12 10. For such other and further relief as the Court deems just and proper.

13
14 Dated: May 9, 2011

DENNIS A. WINSTON,
A PROFESSIONAL LAW CORPORATION

16 By Dennis A. Winston
17 Dennis A. Winston Attorneys for
18 Petitioner and Plaintiff WESTWOOD INVESTMENTS,
19 LTD. doing business as Hilgard House Hotel
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EXHIBIT "A"

ORDINANCE NO. 181601

An Ordinance of Intention to establish a Property and Business Improvement District to be known as the "Westwood Business Improvement District" pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California) and to levy assessments.

WHEREAS, the Property and Business Improvement District Law of 1994 authorizes cities to establish Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes; and

WHEREAS, property owners in the Westwood business community who will pay more than 50 percent of the total amount of assessments to be levied, have filed written petitions requesting that the City Council establish a district to be named the Westwood Business Improvement District.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. DECLARATION. Pursuant to the provisions of Property and Business Improvement District Law of 1994, Section 36600 *et seq.*, of the Streets and Highways Code (Act), the City Council declares its intention to consider the establishment of a Property and Business Improvement District to be named the Westwood Business Improvement District (District).

Sec. 2. ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN. The City Council hereby adopts, approves and confirms the Engineer's Report and the Management District Plan included in Council File No. 11-0238.

Sec. 3. PARCELS WITHIN THE DISTRICT. The City Council hereby affirms its finding that all parcels, which will have a special benefit conferred upon them and upon which an assessment will be imposed, are identified in the Management District Plan.

Sec. 4. PROPORTIONAL BENEFIT. The City Council hereby reaffirms that the assessment proposed to be imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel.

Sec. 5. SEPARATION OF GENERAL AND SPECIAL BENEFITS. The City Council hereby affirms that it has separated the general benefits, if any, from the special benefits conferred on each parcel.

Sec. 6. ASSESSMENTS SUPPORTED BY ENGINEER'S REPORT. The City Council hereby affirms that all proposed assessments are supported by a detailed engineer's report prepared by a registered professional engineer certified by the state of California.

Sec. 7. DISTRICT BOUNDARIES. The City Council hereby declares that the boundaries of the proposed District are as detailed in the Management District Plan. The proposed Westwood BID area consists of: Beginning at the intersection of Levering Avenue and Le Conte Avenue the northern boundary of the District follows the south side of Le Conte Avenue east to the intersection with the eastern parcel line of parcels facing on the east side of Hilgard Avenue. Turn south along the eastern parcel line of parcels facing on the east side of Hilgard Avenue until the intersection with Weyburn Avenue. Turn west along the north side of Weyburn Avenue to the intersection with Hilgard Avenue. At Hilgard Avenue turn south following the west side of Hilgard Avenue to the intersection with Lindbrook Drive. Turn south along the east parcel line of parcel number 4360-003-028 and 4360-003-029 to the intersection with Wilshire Boulevard. Cross Wilshire Boulevard and continue south along the east parcel line of parcel number 4325-005-019, then follow the south parcel line of parcel number 4325-005-019 to the eastern parcel line of parcel number 4325-005-074. Turn south along the eastern parcel line of parcel 4325-005-074 to the south parcel line of the same parcel. Turn west along the south parcel line of parcel 4325-005-074 to the intersection with Glendon Avenue. Cross Glendon Avenue continuing west along the south parcel line of parcel number 4325-005-083 to Westwood Boulevard. Cross Westwood Boulevard and continue west on the north side of Ashton Avenue to the intersection with the west parcel line of parcel number 4324-002-028. Turn north along the west parcel line of parcel number 4324-002-028 to the intersection with the south parcel line of parcel number 4324-002-027. Turn west along the south parcel line of parcel number 4324-002-027 to Veteran Avenue. Turn north on the east side of Veteran Avenue to the intersection with Wilshire Boulevard. Turn east on the south side of Wilshire Boulevard to the intersection with the west parcel line of parcel number 4363-023-001. Turn north along the west parcel line of parcel number 4363-023-001 and continue along the west parcel line of parcels facing on the west side of Gayley Avenue to the intersection with Weyburn Avenue. Turn east along the south side of Weyburn Avenue to the western side of Gayley Avenue. Turn north along the east side of Gayley Avenue to Levering Avenue. Continue north along the east side of Levering Avenue to the starting point at the intersection of Levering Avenue and Le Conte Avenue. All property within the approximate boundaries described above are included in the Westwood BID.

There are 120 parcels owned by 78 stakeholders in the proposed District. The map included in the District's Management District Plan gives sufficient detail to locate each parcel of property within the proposed District.

Sec. 8. IMPROVEMENTS AND ACTIVITIES. The City Council hereby declares that the proposed activities and improvements to be funded by the levy of assessments on property within the District are detailed in the Management District Plan. They

include, but are not limited to, clean, safe and beautiful, parking and traffic management, communication, special projects and administration.

Sec. 9. ANNUAL ASSESSMENTS AND DURATION. The District's total assessment for three years is estimated to be \$3,346,619. The District's total annual assessment for the first year is estimated to be \$1,058,163. Annual assessments for subsequent years may be adjusted based upon the Consumer Price Index for the Los Angeles region, or by a flat percentage rate, not to exceed five percent of the previous year's rate. It is proposed that the District be established for a three year period. The District will not issue bonds.

Sec. 10. COLLECTION OF ASSESSMENTS. The City Council hereby declares that to the extent possible, assessments shall be collected at the same time and in the same manner as County ad valorem property taxes and shall be subject to all laws providing for the collection and enforcement of assessments. For properties that do not appear on the County tax rolls or for assessments for any years in which the City is unable to transmit the assessment information to the County in sufficient time for the County to collect the assessments with the County ad valorem property taxes, the City Clerk may bill and collect the assessments by mailing assessment notices (Statement of Assessment Due) to each property owner within the District at the address shown on City records. Assessments billed by the City Clerk are due 45 calendar days after the Statement of Assessment Due.

Sec. 11. NOTICE, PROTESTS AND HEARING PROCEDURES. The City Clerk shall follow the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 *et seq.*).

Sec. 12. PUBLIC HEARING. The City Council will hold a public hearing to determine whether to establish the District and levy assessments on APR 26 2011 at 10:00 a.m., or as soon thereafter as City Council business permits, and on any hours and days for continued hearing as ordered by the City Council, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012. At the hearing, all interested persons will be permitted to present written or oral testimony, and the City Council will consider all objections or protests to the proposed assessment.

Sec. 13. NOTICE TO RECORD OWNERS. The City Clerk shall give notice of the public hearing, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment. The notice shall be given at least 45 days before the public hearing date and shall specify that the public hearing will be to determine whether the City Council will establish the District and levy assessments.

Sec. 14. TABULATION OF ASSESSMENT BALLOTS. At the conclusion of the

public hearing, the City Clerk shall tabulate all assessment ballots that have been submitted and not withdrawn. To be included in the tabulation, assessment ballots must be received by the City Clerk either at the address indicated in the notice required by Government Code Section 53753 or at the site of the public hearing prior to the conclusion of the public hearing. The City Clerk will certify the results of the tabulation to the City Council during its meeting on APR 27 2011 at 10:00 a.m., or as soon thereafter as City Council business permits, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012.


Sec. 15. MAJORITY PROTEST. If there is a majority protest against the imposition of the assessment, the City Council will not impose the assessment. A majority protest will exist if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

Sec. 16. AMENDMENT TO ENABLING STATUTE. The properties and businesses within the District established by this Ordinance shall be subject to any amendments to the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California).

Sec. 17. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 1 2011.

JUNE LAGMAY, City Clerk


By 
Deputy

Approved MAR 02 2011


Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  CHRISTY NUMANOCHURA
Deputy City Attorney

Date 2-1-11

File No. CF ~~10-0515~~ 11-0238

EXHIBIT “B”

Westwood Business Improvement District Management District Plan

**For
A Property Based
Business Improvement District
In Westwood**

September 2010

**Prepared By
Urban Place Consulting Group, Inc.**

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For the
Westwood Business Improvement District (District)
Los Angeles, California

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Section 1 Management District Plan Summary

The name of the proposed Property-based Business Improvement District is the Westwood Business Improvement District (the "District"). The District is being established pursuant to Section 36600 et seq. of the California Streets and Highways Code, The "Property and Business Improvement District Law of 1994 as amended", hereinafter referred to as State Law.

Developed by the Westwood Business Improvement District Steering Committee, the Westwood Business Improvement District Management Plan is proposed to improve and convey special benefits to properties located within the Westwood Business Improvement District area. The District will provide new and continued improvements and activities, including clean/safe/beautiful; parking and traffic management, communication, special projects, and management. Each of the programs is designed to meet the goals of the District; to improve the safety of each individual parcel within the District, to increase building occupancy and lease rates, to encourage new business development; and attract ancillary businesses and services for parcels within the District.

Boundary: See Section 2, Page 6 and map page 7.

Budget: The total District budget for the 2011 year of operation is approximately \$1,300,513.

Improvements, Activities, Services:

CLEAN, SAFE, BEAUTIFUL	\$751,213	58%
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Enhanced Safe Programs:

A Westwood Business Improvement District Safe Team Program to deal with crime prevention and inappropriate conduct in the District.

- Walking and Bicycle Patrol

Enhanced Clean and Beautiful Programs

- Sidewalk Sweeping
- Sidewalk Pressure Washing
- Graffiti & Handbill Removal
- Trash Removal
- Landscape programs
- Tree Trimming
- Tree Lighting Program

PARKING/TRAFFIC MANAGEMENT**\$231,250 18%**

- Parking System Improvements
- Wayfinding Signage
- One Way – Two Way streets
- Increased Parking

COMMUNICATION**\$30,000 2%**

- Website
- Newsletter

SPECIAL PROJECTS**\$125,000 10%****MANAGEMENT/CITY FEES/SLOW PAY****\$163,050 12%**

Method of Financing: A levy of special assessments upon real property that receives special benefits from the improvements and activities. (See Section 4, for assessment methodology)

Benefit Zones: The State Law and State Constitution Article XIID require that special assessments be levied according to the special benefit each parcel receives from the improvements. In order to match assessment rates to special benefits all property within the Westwood Business Improvement District is assessed using the same assessment methodology and rates for District wide programs. Parcels within the District, but outside the existing Sidewalk Maintenance District will pay an additional Maintenance Overlay rate in addition to the District wide rate. The total assessment rates for parcels not included in the existing Sidewalk Maintenance District are a total of the District Wide Assessment Rates and the Maintenance Overlay Rates. (See pages 12 and 17 for further definition of the Maintenance Overlay)

Parcels within the District and within the Sidewalk Maintenance District (SMD) currently pay a separate SMD assessment rate and will continue to pay this rate after establishment of the Westwood Business Improvement District. These parcels will pay the District Wide Assessment Rate in addition to the SMD assessment.

Cost: Annual assessments are based upon an allocation of program costs by assessable footage. Three property assessment variables, parcel square footage, building square footage and linear front footage will be used in the calculation. The 2011 year assessments per assessment variable will not exceed amounts listed in the following chart:

District Wide Assessment Rates	
Lot Square Foot Assessment	\$0.1502
Building Square Foot Assessment	\$0.0555
Linear Front Footage	\$14.2567

Maintenance Overlay Rates	
Lot Square Footage Assessment	\$0.0200
Building Square Foot Assessment	\$0.0041
Linear Front Footage	\$2.4347

Cap: Annual assessment increases will not exceed 5% per year. Increases will be determined by the business improvement district Owners' Association and will vary between 0 and 5% in any given year.

District Formation: District formation requires submission of favorable petitions from property owners representing more than 50% of total assessments to be paid and the return of mail ballots evidencing a majority of ballots cast in favor of the assessment. Ballots are weighted by each property owner's assessment as proportionate to the total proposed District assessment amount.

Duration: The District will have a 3-year life beginning January 1, 2011 and ending December 31, 2013.

Governance: The Owners' Association will review District budgets and policies annually within the limitations of the Management District Plan. Annual and quarterly reports, financial statements and newsletters will be filed with the City of Los Angeles (City). The Owners' Association will oversee the day-to-day implementation of services as defined in the Management District Plan.

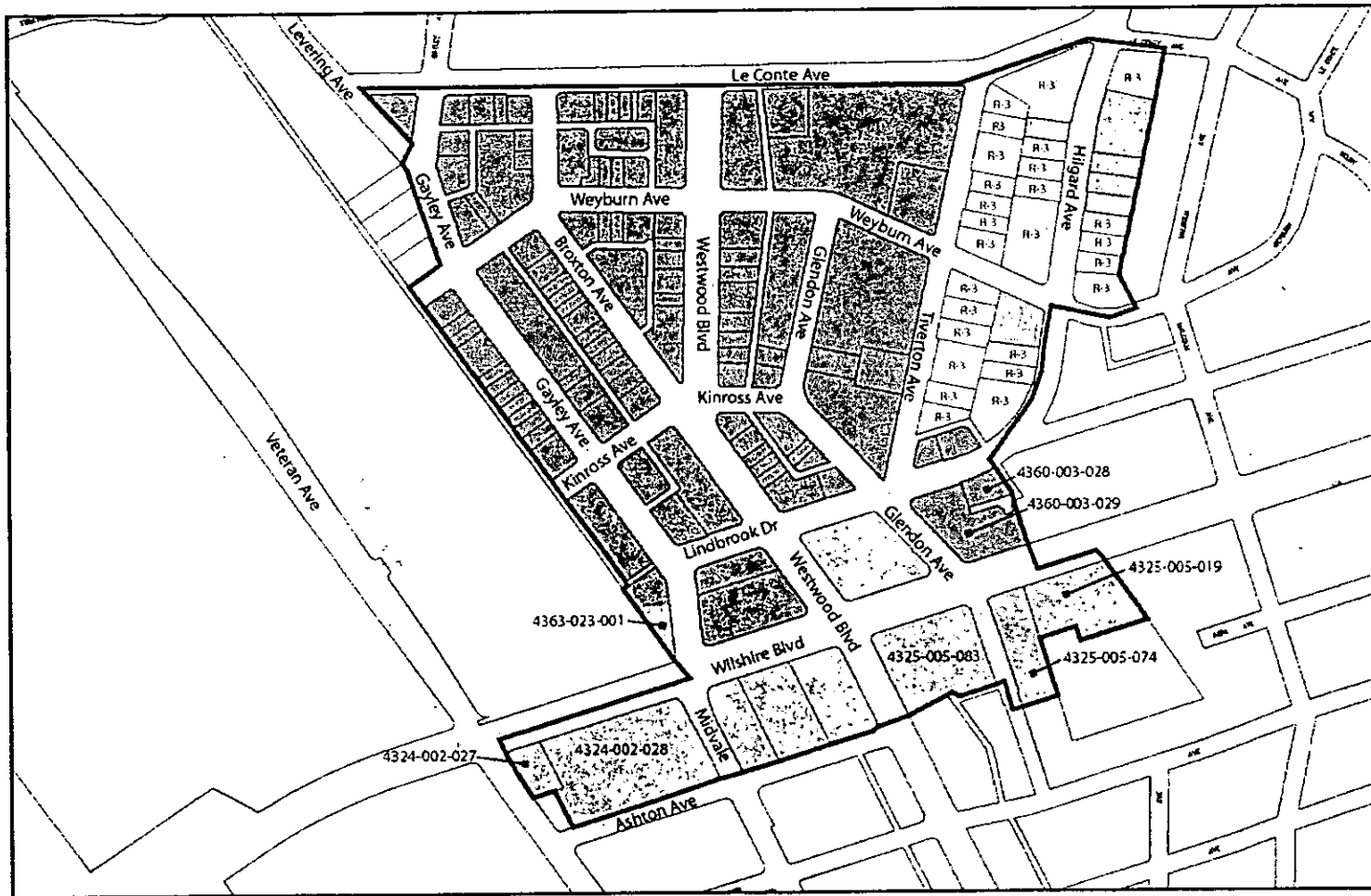
Section 2 Westwood Business Improvement District Boundaries





Overall Boundary

Beginning at the intersection of Levering Avenue and Le Conte Avenue the northern boundary of the District follows the south side of Le Conte Avenue east to the intersection with the eastern parcel line of parcels facing on the east side of Hilgard Avenue. Turn south along the eastern parcel line of parcels facing on the east side of Hilgard Avenue until the intersection with Weyburn Avenue. Turn west along the north side of Weyburn Avenue to the intersection with Hilgard Avenue. At Hilgard Avenue turn south following the west side of Hilgard Avenue to the intersection with Lindbrook Drive. Turn south along the east parcel line of parcel number 4360-003-028 and 4360-003-029 to the intersection with Wilshire Boulevard. Cross Wilshire Boulevard and continue south along the east parcel line of parcel number 4325-005-019, then follow the south parcel line of parcel number 4325-005-019 to the eastern parcel line of parcel number 4325-005-074. Turn south along the eastern parcel line of parcel 4325-005-074 to the south parcel line of the same parcel. Turn west along the south parcel line of parcel 4325-005-074 to the intersection with Glendon Avenue. Cross Glendon Avenue continuing west along the south parcel line of parcel number 4325-005-083 to Westwood Boulevard. Cross Westwood Boulevard and continue west on the north side of Ashton Avenue to the intersection with the west parcel line of parcel number 4324-002-028. Turn north along the west parcel line of parcel number 4324-002-028 to the intersection with the south parcel line of parcel number 4324-002-027. Turn west along the south parcel line of parcel number 4324-002-027 to Veteran Avenue. Turn north on the east side of Veteran Avenue to the intersection with Wilshire Boulevard. Turn east on the south side of Wilshire Boulevard to the intersection with the west parcel line of parcel number 4363-023-001. Turn north along the west parcel line of parcel number 4363-023-001 and continue along the west parcel line of parcels facing on the west side of Gayley Avenue to the intersection with Weyburn Avenue. Turn east along the south side of Weyburn Avenue to the western side of Gayley Avenue. Turn north along the east side of Gayley Avenue to Levering Avenue. Continue north along the east side of Levering Avenue to the starting point at the intersection of Levering Avenue and Le Conte Avenue.

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-  SIDEWALK MAINTENANCE DISTRICT ZONE
-  MAINTENANCE OVERLAY
-  PROPOSED BID BOUNDARY
-  ZONE R-3 RESIDENTIAL NOT ACCESSED

WESTWOOD

BUSINESS IMPROVEMENT DISTRICT




Map

District Boundary Rationale

The property uses within the general boundaries of the Westwood Business Improvement District are a mix of retail, theater, religious, parking, office and residential. Services and improvements provided by the District are designed to provide special benefits to the retail, theater, religious, parking, office and residential parcels. All of the services provided such as the security work provided by the Safe Team and the maintenance work provided by the Clean Team are services that are over and above the City's baseline of services and are not provided by the City. These services are not provided outside of the District because of the unique nature of these services focusing on the particular needs of each assessed property within the District. These services provide particular and distinct benefits to each of the assessed parcels within the District.

In order to ensure that parcels outside of the District will not specially benefit from the improvements and services funded with the assessment, improvements and services will only be provided to individual assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance / sanitation personnel, and similar service providers employed in connection with the District will only patrol and provide services to assessed parcels within the District, and will not provide services outside of District boundaries. Nor will District promotional efforts promote activities outside of District boundaries.

Northern Boundary: The northern boundary of the Westwood Business Improvement District is Le Conte Avenue. The University of California, Los Angeles campus is located on the north side of Le Conte Avenue. The campus is fully contained, provides its own services similar to those being provided by the District and is distinctly different in uses and character than the commercial properties on the south side of Le Conte Avenue and because of this difference will not benefit from the District programs that are designed to provide special benefits to retail, theater, religious, parking, and office uses. In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to individual assessed parcels within the boundaries of the District.

Eastern Boundary: The eastern boundary of the Westwood Business Improvement District was determined by the zoning of the parcels east of the District boundaries. The parcels east of the District boundaries are zoned residential and as per State of California Streets and Highways code section 36632.(c) "*are conclusively presumed not to benefit from the improvements and service funded through these assessments...*" In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance personnel, and similar service providers employed in connection with the District will only patrol and provide services to individual assessed parcels within the District, and will not provide services outside of District boundaries.

Southern Boundary: The southern boundary of the Business Improvement District was determined by the zoning and use of the parcels south of the District boundaries. The parcels south of the District boundaries are zoned primarily residential. Residential zoned parcels, which are excluded by law from participating in the District, will not benefit from the District programs that are designed to provide special benefits to retail, theater, religious, parking, and office uses. In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to individual assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance personnel, and similar service providers employed in connection with the District will only patrol and provide services to individual assessed parcels within the District, and will not provide services outside of District boundaries.

Western Boundary: The western boundary of the Westwood Business Improvement District was determined by the zoning and use of the parcels west of the District boundaries. The parcels west of the District boundaries are zoned open space (cemetery land). The open spaced zoned parcels will not benefit from the District programs that are designed to provide special benefits to retail, theater, religious, parking, and office uses. In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to individual assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance personnel, and similar service providers employed in connection with the District will only patrol and provide services to individual assessed parcels within the District, and will not provide services outside of District boundaries.

Section 3

District Improvement and Activity Plan

Process to Establish the Improvement and Activity Plan

Through a series of property owner meetings the Westwood District Business Improvement District Steering Committee collectively determined the priority for improvements and activities to be delivered by the business improvement district. The primary needs as determined by the property owners were: safety/security, maintenance, parking/traffic management and communication. All of the services provided such as the security work provided by the Safe Team and the maintenance work provided by the Clean Team are services that are over and above the City's baseline of services and are not provided by the City. These services are not provided outside of the District and because of their unique nature focusing on the particular needs of each assessed property within the District provide particular and distinct benefits to each of the assessed parcels within the District.

All of the improvements and activities detailed below are provided only to assessed properties defined as being within the boundaries of the District and provide benefits which are particular and distinct to each of the assessed properties within the proposed District. No improvement or activities are provided to properties outside the District boundaries. All assessments outlined in this Management District Plan go only for services directly benefiting each of the assessed property owners in this specialized zone. All services will be provided to the assessed properties defined as being within the District boundaries and no services will be provided outside the District boundaries. Each of the services: clean, safe, communication, special projects and administration are unique to the District and to each of the Districts assessed properties therefor all benefits provided are particular and distinct to each assessed property.

All benefits derived from the assessments outlined in the Management District Plan are for services directly benefiting the assessed property and business owners within this area and support increased commerce, business attraction and retention, increased property rental income and enhanced overall safety and image within this commercial core. All services, projects, promotions, security, maintenance and professional/administration services are provided solely to assessed properties within the district to enhance the image and viability of assessed properties and businesses within the Westwood Business Improvement District boundaries and are designed only for the direct special benefit of the assessed properties in the District. No services will be provided to parcels outside the District boundaries. (For a further definition of special benefits see Engineer's Report page 8 "Special Benefit")

The total improvement and activity plan budget for 2011, which is funded by two property assessments districts, is projected at \$1,300,513. The Westwood Business Improvement District is providing \$1,058,163 of the total funds. The Westwood Village Sidewalk Maintenance District is providing \$242,350 of the total funds. The costs of providing each of the budget components was developed from actual experience obtained in providing these same services to other business improvement districts within the City of Los Angeles. Actual service hours and frequency may vary in order to match varying District needs over the 3 year life of the District. A detailed operation

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deployment for 2011 is available from the property owners association. The budget is made up of the following components.

CLEAN, SAFE, BEAUTIFUL PROGRAMS

\$751,213

Safe Team Program

The Safety Program will provide security services for the individual assessed parcels located within the District in the form of patrolling bicycle personnel and walking patrols. The purpose of the Safe Team Program is to prevent, deter and report illegal activities taking place on the streets, sidewalks, storefronts, parking lots and alleys. The presence of the Safe Team Program is intended to deter such illegal activities as public urination, indecent exposure, trespassing, drinking in public, prostitution, illegal panhandling, illegal vending, and illegal dumping. The Program will supplement, not replace, other ongoing police, security and patrol efforts within the District. The Safe Team Program will maintain communication with the Los Angeles Police Department (LAPD) area patrols and with the University of California at Los Angeles Police Department patrols (UCLAPD) and intends to report illegal activities to the LAPD and UCLAPD. The Safe Team Program will only provide its services to assessed properties within the District boundaries. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and customer usage.

Clean and Beautiful Program

In order to consistently deal with maintenance issues, a Clean and Beautiful Program will be established. A multi-dimensional approach has been developed consisting of the following elements. The clean team will only provide service to assessed properties within District boundaries. The program will supplement, not replace, the existing Sidewalk Maintenance District programs. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and customer usage.

Maintenance

Uniformed, radio equipped personnel sweep litter, debris and refuse from sidewalks and gutters of the District. District personnel will pressure wash the sidewalks.

The clean team and safe team each have responsibility for alley maintenance. Safety personnel encourage and report property and business owners' compliance of City code issues relating to cleanliness of sidewalks, alleys and illegal dumping. The clean team clears the alley of debris when a responsible party cannot be found for illegal dumping or other violations. Illegal signage within the District will be reported to the appropriate City department and if authorized to do so will be removed by District personnel.

Collector truck personnel collect trash from sidewalk trash receptacles as

needed. District trucks are often called to assist LAPD to dispose of illegal food vendors' inventory. They are also dispatched to collect stolen shopping carts and large bulky items illegally dumped in the District.

Graffiti Removal: District personnel remove graffiti by painting, using solvent and pressure washing. The District maintains a zero tolerance graffiti policy. An effort is made to remove all tags within 24 hours on weekdays.

Landscape/Tree Lighting: Landscape maintenance and street tree trimming are important to keep the District looking attractive. A tree lighting program on existing street trees in the public right-of-way is an idea that will be considered to make the area more attractive.

Maintenance Problems Requiring Third Party Intervention: Problems are monitored that create blighted or unsafe conditions within the District, but are not within the authority/jurisdiction of the BID to repair or correct. Requests are made to the responsible party/agency for the repair within the District boundaries. Types of problems include blocked or damaged sewers or drains, damaged sidewalks/streets/alleys, non-operating streetlights, damaged or missing street signs, etc.

Westwood Village Sidewalk Maintenance District Assessments

Parcels within Westwood Village are currently being assessed through a Sidewalk Maintenance District (SMD). The annual budget for the SMD is \$242,350 and is included in the total District Budget of \$1,300,513. By working with Council District 5 and the Bureau of Street Services (the department that administers the SMD) the District will contract with the Bureau of Street Services to receive the SMD assessment funds and provide the baseline of services as defined in the SMD scope of services. Services provided through the SMD include sidewalk sweeping and pressure washing, trash collection, landscape maintenance and tree trimming.

Funds from the SMD will only be spent to provide services to parcels assessed in the SMD District as outlined in the SMD agreement. The services provided by the SMD will only continue as long as the SMD is in effect and renewed annually through City Council action.

Maintenance Overlay District

Parcels within the District, but not within the SMD are on the periphery of the District and are made up primarily of high rise office buildings. Because the pedestrian traffic is much lower in the Maintenance Overlay District the frequency of sidewalk maintenance, graffiti removal and other maintenance services are much less than the SMD in order to provide the same level of cleanliness that is provided by the SMD assessment. Parcels within the District, but not within the SMD will pay an additional maintenance overlay assessment to receive services similar to those provided to parcels within the SMD. The maintenance overlay assessment will be in effect for the three year term of the

District.

PARKING & TRAFFIC MANAGEMENT

\$231,250

The parking/traffic management budget will be used to develop programs that will make parking in Westwood simpler, convenient, and more attractive for users. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce. Several options that could be considered include; signage/wayfinding programs, a valet parking programs, parking maps/website and adding additional on-street parking.

COMMUNICATION

\$30,000

It is important to not only provide the services needed in the District, but to tell the story of improvement in the District. The special benefit to District assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce. Some of the communication/image programs being considered are:

- Quarterly Newsletter
- Westwood BID Web Site

SPECIAL PROJECTS

\$125,000

The Special Projects budget is reserved for opportunities and additional projects that present themselves during the life of the District. These special projects will improve commerce by attracting pedestrians to provide a special benefit to the individual assessed parcels within the District. Special project funds will only be used to specially benefit assessed parcels within the District. Special projects may include activities such as increased holiday lighting projects, increased landscape maintenance, tenant recruitment and support, increased communication or event production. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce.

MANAGEMENT/CITY FEES AND SLOW PAY

\$163,050

The improvements and activities are managed by a professional staff that requires centralized administrative support. Management staff oversees the District's services which are delivered seven days a week. Management staff actively works on behalf of the District parcels to insure that City and County services and policies support the District. Reimbursement of costs provided by the private property owners to establish the district as well as future costs to renew the District, conduct a yearly financial review as well as City fees, uncollectible assessments and depreciation are included in this budget item. The special benefit to parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce.

THREE YEAR OPERATING BUDGET

A projected three-year operating budget for the Westwood Business Improvement District is provided below. The projections are based upon the following assumptions.

Assessments will be subject to annual increases not to exceed 5% per year. Increases will be determined by the District Owners Association and will vary between 0 and 5% in any given year. The projections below illustrate a maximum 5% annual increase for all budget items.

Revenues for specific programs may be reallocated from, year-to-year, among District activities within a 10% range. Budget reallocations above 10% must be approved by the City. However, the overall budget shall remain consistent with this Management District Plan.

Three Year Budget Projections *

	2011	2012	2013
Clean, Safe, Beautiful	\$513,863	\$539,556	\$566,534
SMD Clean	\$237,350	\$237,350	\$237,350
Parking/Traffic Management	\$231,250	\$242,812	\$254,953
Communication	\$ 30,000	\$ 31,500	\$ 33,075
Special Projects	\$125,000	\$131,250	\$137,812
Management/City Fees/Slow	\$158,050	\$171,202	\$179,762
SMD City Fees	\$ 5,000	\$ 5,000	\$ 5,000
Total Budget	\$1,300,513	\$1,358,670	\$1,414,486

***Assumes 5% yearly increase on all budget items funded by the Westwood Business Improvement District. Items funded by the Sidewalk Maintenance District to not increase annually. Note: Any accrued interest or delinquent payments will be expended in the above categories.**

Section 4

Assessment Methodology

In order to ascertain the correct assessment methodology to equitably apply special benefits to each assessed parcel for property related services as proposed to be provided by the Westwood Business Improvement District, benefit will be measured by square feet of parcel size, square feet of building size and parcel street frontage. Special circumstances such as a parcel's location within the District area and need and/or frequency for services are carefully reviewed relative to the specific and distinct type of programs and improvements to be provided by the District in order to determine the appropriate levels of assessment or percentage values to be assigned to each type of assessment variable. (For a definition of special benefits see Engineer's Report page 8 "Special Benefit")

The methodology to levy assessments upon real property that receives special benefits from the improvements and activities of the Westwood Business Improvement District are Parcel Square Footage, Building Square Footage, and Parcel Street Front Footage as the three assessment variables. Lot square footage is relevant to the best use of a property and will reflect the long term special benefit implications of the improvement district. Building square footage is relevant to the interim use of a property and is utilized to measure short and mid-term special benefit. Street front footage is relevant to the street level usage of a parcel.

Building Square Footage Defined. Building square footage is defined as gross building square footage as determined by the outside measurements of a building.

Lot Square Footage Defined. Lot square footage is defined as the total amount of area within the borders of the parcel. The borders of a parcel are defined on the County Assessor parcel maps.

Street Front Footage Defined. Street Front Footage is defined as the front footage of a parcel that fronts a public street.

Gross Square Footage of Parking: Because parking structures and lots are primarily used to park cars and not to house tenants, or businesses and because parking uses have less daily pedestrian traffic than similarly sized buildings parking uses require fewer services and receive less special benefit from Westwood BID improvements and activities. Parking uses will be subject to one of the following methodologies:

- Parking square footage that is integrated within a building, has the same ownership and on the same single parcel as the building (and the building has other uses in addition to parking) the square footage of the building that is comprised of parking require no District services and receive no special benefit. This square footage will be excluded from the calculation of building square footage when determining building assessments. (All three conditions must be met to be excluded)

- Non-integrated structured parking and/or surface parking with the same ownership as a building and with a majority of its parking dedicated to the building's tenants require fewer services and receive less special benefit. These parcels will not be assessed for building footage, but will be assessed on lot square footage and street front footage only.
- Non-integrated structured parking with ownership different than buildings that may use a majority of the parking and independent stand-alone structured parking require the same services as other non-parking parcels and receive the same special benefit. These parcels will be assessed the same as other parcels within the District. They will be assessed on lot square footage, building square footage (parking structure) and street front footage. Non-integrated structured parking because of its commercial nature receives more special benefits than parking that primarily serves a single building.
- Surface parking will be assessed on lot square footage and street front footage.

Calculation of Assessments

The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the capital cost of an improvement or the maintenance and operation expenses of an improvement or for the cost of the property service being provided. Due to the proportionate special benefits received by these parcels from the District services, these parcels will be assessed a rate which is proportionate to the amount of special benefits received. Only special benefits are assessable and these benefits must be separated from any general benefits.

The preceding methodology is applied to a database that has been constructed by District Property Owners and its consultant team. The process for compiling the property database includes the following steps:

- Property data was first obtained from the County of Los Angeles Assessor's Office.
- A database was submitted to the City Clerk's office for verification.
- A list of properties to be included within the District is provided in Section 7.

Total Assessable Footage Within the District

Total District	
Lot Sq Ft	2,234,308
Building Sq Ft	6,047,399
Front Footage	24,258

Maintenance Overlay	
Lot Sq Ft	677,365
Building Sq Ft.	3,294,232

Front Footage	5,724
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Budget Distribution	District Wide	SMD	Overlay
Clean Safe Beautiful	\$472,874	\$237,350	\$40,989
Parking/Traffic	\$231,250		
Communication	\$ 30,000		
Special Projects	\$125,000		
Management	\$123,050		
City Fees/Slow Pay	\$ 35,000	\$ 5,000	
Total	\$1,017,174	\$ 242,350	\$40,989

Based upon the methodology as set forth above, first year assessments are established as follows.

District Wide Assessments are determined by dividing the district wide budget of \$1,017,174 by the appropriate total district wide square footages for each variable.
District Wide Assessments Per Foot For Each Assessment Variable;

Lot Footage Assessment \$00.1502 per square foot
Building Footage Assessment \$00.0555 per building square foot
Linear Front Footage Assessment \$14.2567 per street front foot

Maintenance Overlay Assessments Parcels within the Maintenance Overlay are on the periphery of the District and are made up primarily of high rise office buildings. Because the pedestrian traffic is much lower in the Maintenance Overlay the frequency of sidewalk maintenance, graffiti removal and other maintenance services are much less than the SMD in order to provide the same level of cleanliness that is provided by the SMD assessment. A budget of \$40,989 has been established to provide the required level of Maintenance Overlay services.

Maintenance Overlay assessments are determined by dividing the maintenance overlay budget of \$40,989 by the appropriate maintenance overlay square footages for each variable. Maintenance Overlay Assessments Per Foot For Each Assessment Variable:

Lot Footage Assessment \$00.0200 per square foot
Building Footage Assessment \$00.0041 per building square foot
Linear Front Footage Assessment \$02.4347 per street front foot

Calculation Formula For Parcels Within The Current Sidewalk Maintenance District:

Lot Square Footage X District Wide Assessment Rate = Parcel Lot Footage Assessment

Building Square Foot X District Wide Assessment Rate = Parcel Building Footage Assessment

Street Front Foot X District Wide Assessment Rate = Parcel Front Footage Assessment

Example:

Lot Square Footage = 1000	$1000 \times \$0.1502 = \150.20
Building Square Footage = 2000	$2000 \times \$0.0555 = \111.00
Frontage = 100	$100 \times \$14.2567 = \1425.67
Total Parcel Assessment	\$1686.87

The total of lot footage assessment plus building footage assessment plus street front footage assessment for each parcel constitutes the total assessment for that parcel.

Calculation Formula For Parcels Within The Maintenance Overlay:

Lot Square Footage X Total of District Wide Assessment Rate plus Overlay Assessment Rate = Parcel Lot Footage Assessment
Building Square Foot X Total of District Wide Assessment Rate plus Overlay Assessment Rate = Parcel Building Footage Assessment
Street Front Foot X Total of District Wide Assessment Rate plus Overlay Assessment Rate = Parcel Front Footage Assessment

Maintenance Overlay Example:

Lot Square Footage = 1000	$1000 \times \$0.1702 \quad (.1502 + .02) =$	
\$170.20		
Building Square Footage = 2000	$2000 \times \$0.0596 \quad (.0555 + .0041) =$	\$119.20
Frontage = 100	$100 \times \$16.6914 \quad (14.2567 + 2,4347) =$	<u>\$1669.14</u>
Total Maintenance Overlay Parcel Assessment		
\$1958.54		

The total of lot footage assessment plus building footage assessment plus street front footage assessment for each parcel constitutes the total assessment for that parcel.

Maximum Annual Assessment Adjustments

Assessments will be subject to annual increases not to exceed 5% per year. Increases will be determined by the District Owners Association and will vary between 0 and 5% in any given year. The projections below illustrate a maximum 5% annual increase for all budget items.

Maximum Assessment Table

District Wide	2011	2012	2013
Lot Footage Assessment	\$0.1502	\$0.1577	\$0.1656
Building Footage Assessment	\$0.0555	\$0.0583	\$0.0612
Front Footage Assessment	\$14.2567	\$14.9695	\$15.7180
Maintenance Overlay	2011	2012	2013

Lot Footage Assessment	\$0.0200	\$0.0210	\$0.0220
Building Footage Assessment	\$0.0041	\$0.0043	\$0.0045
Front Footage Assessment	\$2.4347	\$2.5564	\$2.6843

Budget Adjustments

Any annual budget surplus will be rolled into the following year's District budget. The budget will be set accordingly, within the constraints of the management plan to adjust for surpluses that are carried forward.

Future Development

As a result of continued development, the District may experience the addition or subtraction of assessable commercial footage for parcels included and assessed within the District boundaries. The modification of parcel improvements assessed within the District may then change upwards or downwards the amount of total footage assessment for these parcels. In future years, the assessments for the special benefits bestowed upon the included BID parcels may change in accordance with the assessment methodology formula listed in the Management District Plan and Engineer's Report provided the assessment rate does not change. If the assessment formula changes, then a Proposition 218 ballot will be required for approval of the formula changes.

Time and Manner for Collecting Assessments

As provided by State law, the District assessment will appear as a separate line item on annual property tax bills prepared by the County of Los Angeles. The Los Angeles City Clerk's office may direct bill the first years assessment for all property owners and will direct bill any property owners whose special assessment does not appear on the tax rolls.

The assessments shall be collected at the same time and in the same manner as for the ad valorem property tax paid to the County of Los Angeles. These assessments shall provide for the same lien priority and penalties for delinquent payment as is provided for the ad valorem property tax.

However, assessments may be billed directly by the City for the first fiscal year of operation and then by the County for all subsequent years. Any delinquent assessments owed for the first year will be added to the property tax roll for the following year. The "property owner" means any person shown as the owner/taxpayer on the last equalized assessment roll or otherwise known to be the owner/taxpayer by the City.

Disestablishment

California State Law Section 36670 provides for the disestablishment of a District. Upon the termination of this District any remaining revenues shall be transferred to the renewed District, if one is established, pursuant to Streets and Highways Code Section 36660 (b). Unexpended funds will be returned to property owners based upon each

parcels percentage contribution to the total year 2013 assessments if the District is not renewed.

Government Assessments

The Westwood Business Improvement District Management Plan assumes that the City of Los Angeles and other government entities will pay assessments for property owned within the boundaries of the District. Article XIII D of the California Constitution was added in November of 1996 to provide for these payments.

Proposition 218, also known as "The Right to Vote on Taxes Act" states "*Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate a clear and convincing evidence that those publicly owned parcels in fact receive no benefit.*" All parcels in the District are assessed on their parcel square footage, building square footage and street front footage and receive special benefits based upon these footages.. It has been proposed that all government agencies pay each agency's "fair share" of assessment. Below are the government parcels within the District boundaries.

APN	Legal Owner Name	Site Address	Building	Lot Size	FF	Annual Assessment	%
4363-018-904	L A City	1036 Broxton Ave	89,040	29,640	299	\$ 13,657.93	1.29%
	Total L A City					\$ 13,657.93	1.29%
4363-019-901	Regents Of The University Of CA	10886 Le Conte Ave	36,579	22,144	146	\$ 7,438.60	0.70%
4324-001-900	Regents Of The University Of CA	10920 Wilshire Blvd	315,776	52,839	174	\$ 30,721.72	2.90%
	Total Regents Of The University Of CA					\$ 38,160.32	3.61%
	Total Government Parcels					\$ 51,818.25	4.90%

Section 5

District Rules and Regulations

Pursuant to the Property and Business Improvement law of 1994, as amended, a business improvement district may establish rules and regulations that uniquely apply to the District. The District has adopted the following rules:

- **Competitive Procurement Process**

The Owner's Association shall develop a policy for competitive bidding when purchasing substantial amounts of services, products and/or equipment. The policy will aim to maximize service, quality, efficiency and cost effectiveness.

- **Treatment of Residential Housing**

In accordance with Section 36632 (c) of the California Streets and Highways Code, properties zoned solely for residential or agricultural use are conclusively presumed not to receive special benefit from the improvements and service funded through the assessments of the District and are not subject to any assessment pursuant to Section 36632 (c). Therefore, properties zoned solely for residential or agricultural use within the boundaries of the District, if any, will not be assessed. The District does contain parcels that are zoned solely for residential use.

- **Renewal**

District funds may be used for renewing the District and for reimbursement of private sector contributions of funds to establish the District.

Bonds

The Owners' Association will not issue bonds to finance any services or improvements in the District.

Section 6

Implementation Timetable

The Westwood Business Improvement District is expected to be established and begin implementation of the Management District Plan on January 1, 2011. Consistent with State law the Westwood Business Improvement District will have a three-year life through December 31, 2013.

Section 7 Parcel Roll

APN	Legal Owner Name	Site Address	Building	Lot Size	FF	Annual Assessment	%
4363-018-904	L A City	1036 Broxton Ave	89,040	29,640	299	\$ 13,657.93	1.29%
	Total L A City					\$ 13,657.93	1.29%
4363-019-901	Regents Of The University Of CA	10886 Le Conte Ave	36,579	22,144	146	\$ 7,438.60	0.70%
4324-001-900	Regents Of The University Of CA	10920 Wilshire Blvd	315,776	52,839	174	\$ 30,721.72	2.90%
	Total Regents Of The University Of CA					\$ 38,160.32	3.61%
	Total Government Parcels					\$ 51,818.25	4.90%

APN	Legal Owner Name	Site Address	Building	Lot Size	FF	Annual Assessment	%
4363-024-020	1000 Gayley LLC	1000 Gayley Ave	3,370	3,440	126	\$ 2,500.20	0.24%
4363-024-006	1055 Broxton Associates LLC	1055 Broxton Ave	3,800	4,400	40	\$ 1,442.22	0.14%
4325-005-083	10880 Ground LLC	10880 Wilshire Blvd	618,301	86,684	883	\$ 66,350.60	6.27%
4324-001-031	Wilshire Westwood Plaza LLC	10900 Wilshire Blvd 520	251,862	49,658	435	\$ 30,726.71	2.90%
4363-022-003	Lisa and Jan Chan	1101 Glendon Ave	16,387	12,637	211	\$ 5,816.24	0.55%
4363-024-017	220 Post Street Associates	10925 Kinross Ave	9,130	14,082	232	\$ 5,929.91	0.56%
4360-002-037	Alexandra Scharff	10841 Lindbrook Dr	11,531	10,440	130	\$ 4,061.85	0.38%
4325-005-019	AVCO CENTER CORP	10850 Wilshire Blvd.	225,692	63,600	276	\$ 28,885.69	2.73%
4363-017-006	Bank Of America Nt & Sa	922 Gayley Ave	3,729	8,011	80	\$ 2,551.04	0.24%
4363-018-030	Benjamin Pick	10913 Weyburn Ave	10,252	7,950	80	\$ 2,903.94	0.27%
4363-024-016	Benjamin Pick	1072 Gayley Ave	11,200	8,800	80	\$ 3,084.26	0.29%
4363-025-002	Benjamin Pick	1079 Gayley Ave	5,000	5,500	50	\$ 1,816.65	0.17%
4363-025-003	Benjamin Pick	NO SITE ADDRESS	1,600	4,400	40	\$ 1,320.10	0.12%
4324-002-028	Bp 10960 Wilshire LLC	10960 Wilshire Blvd	584,752	145,490	771	\$ 72,490.15	6.85%
4363-017-013	Broxton Plaza	911 Broxton Ave	19,052	7,490	166	\$ 4,549.36	0.43%
4363-024-003	Broxton Two LLC	1073 Broxton Ave	4,750	5,500	50	\$ 1,802.77	0.17%
4363-021-019	Casden Glendon LLC	1067 Glendon Ave	393,259	172,062	1729	\$ 72,327.55	6.84%
4363-021-020	Casden Glendon LLC	1070 Glendon Ave	26,008	12,746	80	\$ 4,499.01	0.43%
4363-017-010	Christopher G Hertrich	959 Broxton Ave	17,853	39,380	228	\$ 10,157.67	0.96%
4360-002-032	Douglas McKenzie/Christopher Lloyd	10863 Lindbrook Dr	6,519	6,990	180	\$ 3,978.18	0.38%
4363-025-001	Christopher Overfield	1085 Gayley Ave	12,355	12,982	222	\$ 5,801.09	0.55%
4363-019-903	CSHV WESTWOOD PLAZA LLC	930 Westwood Blvd	145,497	42,420	574	\$ 22,632.21	2.14%
4363-018-025	CVS 5828 CA LLC	NO SITE ADDRESS	0	9,750	100	\$ 2,890.45	0.27%
4363-018-026	CVS 5828 CA LLC	1001 Westwood Blvd	17,624	8,151	176	\$ 4,711.97	0.45%
4363-025-008	1045 Gayley Associates LLC	1045 Gayley Ave	7,364	4,400	40	\$ 1,640.04	0.15%
4363-018-009	10935 Weyburn LLC	10935 Weyburn Ave	7,484	3,955	57	\$ 1,822.21	0.17%
4363-017-012	Dearborn 2004 Living Trust	921 Broxton Ave	3,861	3,876	69	\$ 1,780.33	0.17%
4324-002-027	Douglas Emmett Realty Fund 1997	10990 Wilshire Blvd	216,998	21,340	289	\$ 21,391.66	2.02%
4363-018-027	Duesenberg Investment Company	1019 Westwood Blvd	3,780	4,200	42	\$ 1,439.57	0.14%
4363-018-028	Duesenberg Investment Company	1025 Westwood Blvd	5,040	6,001	60	\$ 2,036.70	0.19%
4363-018-029	Duesenberg Investment Company	1029 Westwood Blvd	5,857	8,000	80	\$ 2,667.50	0.25%
4363-020-006	Duesenberg Investment Company	1000 Westwood Blvd	64,491	17,117	263	\$ 9,900.70	0.94%
4363-020-008	Duesenberg Investment Company	1030 Westwood Blvd	10,800	6,426	50	\$ 2,277.70	0.22%
4363-020-009	Duesenberg Investment Company	1038 Westwood Blvd	10,500	12,068	100	\$ 3,821.50	0.36%
4363-020-010	Duesenberg Investment Company	1056 Westwood Blvd	6,684	6,738	60	\$ 2,238.68	0.21%
4363-020-011	Duesenberg Investment Company	1060 Westwood Blvd	3,564	5,327	50	\$ 1,710.95	0.16%
4363-020-013	Duesenberg Investment Company	1072 Westwood Blvd	2,964	5,345	60	\$ 1,822.92	0.17%

4363-022-005	Duesenberg Investment Company	1116 Westwood Blvd	5,880	7,000	70	\$	2,375.98	0.22%
4363-022-006	Duesenberg Investment Company	1124 Westwood Blvd	3,400	4,000	40	\$	1,359.92	0.13%
4363-022-007	Duesenberg Investment Company	1130 Westwood Blvd 202	3,400	4,000	40	\$	1,359.92	0.13%
4363-022-009	Duesenberg Investment Company	1142 Westwood Blvd	16,267	12,292	245	\$	6,242.48	0.59%
4363-023-027	Duesenberg Investment Company	10912 Kinross Ave	17,904	16,780	262	\$	7,249.95	0.69%
4363-017-005	F Prince	10984 Le Conte Ave	1,101	13,200	503	\$	9,215.31	0.87%
4363-017-008	Four Corners Investment Co	10975 Weyburn Ave	1,784	11,610	258	\$	5,521.46	0.52%
4363-017-009	Four Corners Investment Co	10965 Weyburn Ave	4,043	5,334	40	\$	1,596.02	0.15%
4363-024-012	Four Star Investments	1001 Broxton Ave	8,530	9,850	194	\$	4,719.07	0.45%
4363-025-012	Fudec Inc	1001 Gayley Ave	23,340	9,850	194	\$	5,541.11	0.52%
4363-025-010	Gayley Enterprises LLC	1019 Gayley Ave	7,362	4,400	40	\$	1,639.93	0.15%
4363-021-800	GTE California Inc.	1041 Tiverton Ave	53,580	20,534	130	\$	7,912.28	0.75%
4363-022-010	Harrison Properties	1139 Glendon Ave	8,851	7,288	196	\$	4,380.50	0.41%
4363-022-016	Harrison Properties	1129 Glendon Ave	2,877	4,322	68	\$	1,778.46	0.17%
4363-018-032	HB Landowners	NO SITE ADDRESS	0	19,110	0	\$	2,870.96	0.27%
4363-024-008	Hocroft Partnership	1037 Broxton Ave Prope	8,118	4,400	40	\$	1,681.89	0.16%
4363-023-030	Hollywood Theatre Co	10929 Lindbrook Dr	0	16,570	249	\$	6,039.29	0.57%
4363-018-015	Ihsan & Jamil Nizam	1041 Westwood Blvd	8,360	4,000	40	\$	1,635.23	0.15%
4360-002-013	In Cahoots LLC	1015 Hilgard Ave	43,410	22,790	275	\$	11,056.81	1.04%
4363-020-007	Indivest Incorporated	1018 Westwood Blvd	7,259	8,137	61	\$	2,495.03	0.24%
4363-020-014	J J Bhasin Investments	1090 Westwood Blvd	11,276	7,504	165	\$	4,105.59	0.39%
4363-017-011	Jeffrey Selzer	939 Broxton Ave	3,878	3,360	60	\$	1,575.44	0.15%
4363-025-007	Jeffrey Williams	1049 Gayley Ave	3,800	4,400	40	\$	1,442.22	0.14%
4363-017-002	Jews For Jesus	10962 Le Conte Ave	6,766	4,000	40	\$	1,546.76	0.15%
4363-024-002	John & Becky Jakosky	1081 Broxton Ave	5,700	6,600	60	\$	2,163.33	0.20%
4363-025-006	John A & Rosalind Ashkar	1057 Gayley Ave	3,760	4,400	40	\$	1,440.00	0.14%
4363-022-004	Capital JTA, LLC	1100 Westwood Blvd	7,611	7,697	194	\$	4,344.60	0.41%
4363-025-004	John Jakosky	1067 Gayley Ave	7,520	4,400	40	\$	1,648.70	0.16%
4363-025-005	John Jakosky	1061 Gayley Ave	8,245	4,400	40	\$	1,688.94	0.16%
4363-022-008	Joseph A & Marie Rezzo	1140 Westwood Blvd	6,340	4,000	40	\$	1,523.11	0.14%
4363-018-020	Marjorie Cruise	10940 Weyburn Ave	9,852	10,830	273	\$	6,065.95	0.57%
4363-022-019	Oxy Westwood Corp	10889 Wilshire Blvd	335,881	72,310	1098	\$	50,657.10	4.79%
4363-018-008	Perla Johnson	920 Broxton Ave	21,227	17,850	257	\$	7,523.86	0.71%
4363-018-019	Phyllis Gabriel	10930 Weyburn Ave	3,200	4,000	40	\$	1,348.82	0.13%
4360-003-028	Plaza La Reina	10844 Lindbrook Dr	0	13,160	120	\$	3,687.87	0.35%
4363-024-019	Reed Springer	1066 Gayley Ave	3,504	4,400	40	\$	1,425.79	0.13%
4363-019-009	Senior Services LTD	947 Tiverton Ave	188,062	31,770	376	\$	20,572.02	1.94%
4360-006-019	SLT Westwood Realty LLC	936 HILGARD AVE	0	10,233	65	\$	2,826.62	0.27%
4360-006-020	SLT Westwood Realty LLC	932 HILGARD AVE	0	10,493	65	\$	2,870.88	0.27%
4360-006-025	SLT Westwood Realty LLC	922 HILGARD AVE	249,699	32,860	210	\$	23,983.14	2.27%
4360-006-027	SLT Westwood Realty LLC	942 HILGARD AVE	0	9,780	65	\$	2,749.52	0.26%
4324-001-032	Spk The Tower LLC	10940 Wilshire Blvd	229,553	36,390	390	\$	26,387.47	2.49%
4363-017-003	Squat Like A Hen	10966 Le Conte Ave	5,466	8,000	80	\$	2,645.80	0.25%
4363-018-010	Starkman Family Partnership	10929 Weyburn Ave	3,360	4,000	40	\$	1,357.70	0.13%
4363-018-011	Starkman Family Partnership	10923 Weyburn Ave	3,360	4,000	40	\$	1,357.70	0.13%
4363-017-004	Steven Cruise	900 Gayley Ave	0	8,750	177	\$	3,837.98	0.36%
4363-017-014	Steven Cruise	950 Gayley Ave	6,212	12,160	129	\$	4,010.76	0.38%
4363-024-001	Sutton Properties LLC	1091 Broxton Ave	14,122	9,682	193	\$	4,989.96	0.47%
4363-019-008	Teachers Insurance & Annuity	10861 Weyburn Ave	193,648	176,854	1170	\$	53,998.34	5.10%
4363-021-018	Trizec Westwood Center LLC	1100 Glendon Ave	305,260	59,139	753	\$	36,563.73	3.46%
4363-022-015	Twenty Eighth Church Of Christ	1125 Glendon Ave	5,480	3,888	40	\$	1,458.55	0.14%
4363-025-011	Westvill Ltd	1015 Gayley Ave	8,822	4,400	40	\$	1,720.97	0.16%
4363-018-014	Westwood Dome Partners	1081 Westwood Blvd	28,391	20,720	461	\$	11,261.05	1.06%
4360-001-182	Westwood Investments	927 HILGARD AVE	19,920	9,160	65	\$	3,831.47	0.36%
4363-023-034	Westwood Lindbrook Partners Ltd	10920 Lindbrook Dr	36,830	22,420	399	\$	11,100.94	1.05%

4363-024-007	Westwood Marketplace LLC	1043 Broxton Ave	5,733	8,250	75	\$	2,626.89	0.25%
4363-024-009	Westwood Marketplace LLC	NO SITE ADDRESS	0	4,400	40	\$	1,231.29	0.12%
4363-024-010	Westwood Marketplace LLC	NO SITE ADDRESS	0	4,400	40	\$	1,231.29	0.12%
4363-024-011	Westwood Marketplace LLC	1013 Broxton Ave	0	8,800	80	\$	2,462.59	0.23%
4363-024-021	Westwood Marketplace LLC	1050 Gayley Ave	16,936	46,011	428	\$	13,954.30	1.32%
4363-018-018	Westwood Partners LLC	10924 Weyburn Ave	3,360	4,000	40	\$	1,357.70	0.13%
4363-020-002	Westwood Partners LLC	1071 Glendon Ave	7,500	5,950	60	\$	2,165.59	0.20%
4363-024-004	Westwood Partners LLC	1067 Broxton Ave	4,750	5,500	50	\$	1,802.77	0.17%
4363-024-005	Westwood Partners LLC	1061 Broxton Ave	4,275	4,950	45	\$	1,622.49	0.15%
4325-005-074	WESTWOOD PLACE INVESTORS LLC	10866 WILSHIRE BLVD	202,388	43,828	482	\$	27,569.68	2.61%
4363-025-009	Westwood Professional Building L	1033 Gayley Ave 200	18,458	13,200	120	\$	4,718.42	0.45%
4363-020-001	Westwood Retail LLC	10875 Kinross Ave	7,700	9,750	150	\$	4,030.68	0.38%
4363-023-033	Westwood Village Dev Co	1101 Gayley Ave	81,478	36,250	434	\$	16,155.89	1.53%
4363-023-037	Wilshire Gayley LLC	1157 Gayley Ave	0	11,240	128	\$	3,513.48	0.33%
4363-023-001	Wilshire Gayley LLC	10951 Wilshire Blvd	0	9,910	181	\$	4,707.85	0.44%
4360-003-029	Wilshire Glendon Assoc LLC	10877 Wilshire Blvd	278,192	51,836	653	\$	32,538.47	3.07%
4363-023-029	Wvs Spe LLC	1101 Westwood Blvd	60,602	42,600	612	\$	18,488.82	1.75%
4363-018-001	Ww Properties LLC	921 Westwood Blvd	50,790	31,640	508	\$	14,814.94	1.40%
4363-018-002	Ww Properties LLC	10918 Le Conte Ave	4,845	5,851	60	\$	2,003.34	0.19%
4363-018-003	Ww Properties LLC	10922 Le Conte Ave	0	2,000	20	\$	585.60	0.06%
4363-018-004	Ww Properties LLC	10924 Le Conte Ave	0	4,000	40	\$	1,171.20	0.11%
4363-018-005	Ww Properties LLC	10928 Le Conte Ave	0	4,000	40	\$	1,171.20	0.11%
4363-018-006	Ww Properties LLC	10934 Le Conte Ave	0	4,000	40	\$	1,171.20	0.11%
4363-018-007	Ww Properties LLC	900 Broxton Ave	0	12,036	215	\$	4,873.40	0.46%
4363-023-032	Ww Westwood LP Lessee	10921 Wilshire Blvd	147,876	54,450	689	\$	26,211.09	2.48%
	Total non government parcels					\$	1,006,344.73	95.10%
	Total government parcels					\$	51,818.25	4.90%
	Total all parcels					\$	1,058,162.98	100.00%

EXHIBIT “C”

**Westwood
Property-Based
Business Improvement District
Engineer's Report**

**Westwood, California
September 2010**

***Prepared by:*
Kristin Lowell Inc.**

*Prepared pursuant to the State of California
Property and Business Improvement District Law of 1994
And Article XIII D of the California Constitution
to create a property-based business improvement district*

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ENGINEER'S STATEMENT

This Report is prepared pursuant to Section 36600 etseq. of the California Streets and Highways Code (the "Property and Business Improvement District Law of 1994" as amended) (here and after "State Law") and pursuant to the provisions of Article XIII D of the California Constitution (Proposition 218).

The Westwood Property-Based Business Improvement District ("PBID") is designed to improve and benefit properties in the Westwood area. Every assessed property within the PBID receives benefit from the clean, safe, beautiful programs, parking and traffic management, communication and special projects. Only those assessed properties within the PBID receive the special benefit of these proposed activities (Exhibit A).

The duration of the proposed PBID is three (3) years commencing January 1, 2011. An estimated budget for the PBID improvements and activities is set forth in Exhibit B. Assessments will be subject to an annual increase of up to 5% per year as determined by the Owners' Association and will vary between 0 and 5% in any given year. Funding for the PBID improvements and activities shall be derived from a property based assessment of each benefited parcel in the PBID. A detailed description of the methodology for determining the benefit assessment for each parcel is set forth in Exhibit C.

This Report includes the following attached Exhibits:

EXHIBIT A: A detailed description of the improvements and activities to be provided.

EXHIBIT B: The estimate of the cost of the improvements and activities.

EXHIBIT C: A statement of the method by which the undersigned determined the amount proposed to be assessed against each parcel, based on benefits to be derived by each parcel, respectively, from the improvements and activities.

EXHIBIT D: An assessment roll, showing the amount proposed to be specially assessed against each parcel of real property within this assessment district.

Respectfully submitted,

Terrance E. Lowell
Terrance E. Lowell, P.E.



EXHIBIT A: IMPROVEMENTS AND ACTIVITIES

Through a series of property owner meetings the Westwood District Business Improvement District Steering Committee collectively determined the priority for improvements and activities to be delivered by the business improvement district. The primary needs as determined by the property owners are:

- ◆ Clean, Safe and Beautiful
- ◆ Parking and traffic management
- ◆ Communication

Based upon these findings, the following improvement and activity categories are recommended for the PBID. The following narrative provides recommendations for the PBID's first year of operation. Final programs and budgets will be subject to the review and approval of the PBID Owners' Association and City Council.

CLEAN, SAFE AND BEAUTIFUL

Safe Team Program

The Safety Program will provide security services for the individual assessed parcels located within the District in the form of patrolling bicycle personnel and walking patrols. The purpose of the Safe Team Program is to prevent, deter and report illegal activities taking place on the streets, sidewalks, storefronts, parking lots and alleys. The presence of the Safe Team Program is intended to deter such illegal activities as public urination, indecent exposure, trespassing, drinking in public, prostitution, illegal panhandling, illegal vending, and illegal dumping. The Program will supplement, not replace, other ongoing police, security and patrol efforts within the District. The Safe Team Program will maintain communication with the Los Angeles Police Department (LAPD) area patrols and with the University of California at Los Angeles Police Department patrols (UCLAPD) and intends to report illegal activities to the LAPD and UCLAPD. The Safe Team Program will only provide its services to assessed parcels within the District boundaries. The special benefit to assessed property owners from these services is increased commercial activity which directly relates to increases in lease rates and customer usage.

Clean and Beautiful Program

In order to consistently deal with maintenance issues, a Clean and Beautiful Program will be established. A multi-dimensional approach has been developed consisting of the following elements. The clean team will only provide service to assessed properties within District boundaries. The program will supplement, not replace, the existing Sidewalk Maintenance District programs. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and customer usage.

Maintenance

Uniformed, radio equipped personnel sweep litter, debris and refuse from

sidewalks and gutters of the District. District personnel will pressure wash the sidewalks.

The clean team and safe team each have responsibility for alley maintenance. Safety personnel encourage and report property and business owners' compliance of City code issues relating to cleanliness of sidewalks, alleys and illegal dumping. The clean team clears the alley of debris when a responsible party cannot be found for illegal dumping or other violations. Illegal signage within the District will be reported to the appropriate City department and if authorized to do so will be removed by District personnel.

Collector truck personnel collect trash from sidewalk trash receptacles as needed. District trucks are often called to assist LAPD to dispose of illegal food vendors' inventory. They are also dispatched to collect stolen shopping carts and large bulky items illegally dumped in the District.

Graffiti Removal: District personnel remove graffiti by painting, using solvent and pressure washing. The District maintains a zero tolerance graffiti policy. An effort is made to remove all tags within 24 hours on weekdays.

Landscape/Tree Lighting: Landscape maintenance and street tree trimming are important to keep the District looking attractive. A tree lighting program on existing street trees in the public right-of-way is an idea that will be considered to make the area more attractive.

Maintenance Problems Requiring Third Party Intervention: Problems are monitored that create blighted or unsafe conditions within the District, but are not within the authority/jurisdiction of the BID to repair or correct. Requests are made to the responsible party/agency for the repair within the District boundaries. Types of problems include blocked or damaged sewers or drains, damaged sidewalks/streets/alleys, non-operating streetlights, damaged or missing street signs, etc.

Westwood Village Sidewalk Maintenance District Assessments

Parcels within Westwood Village are currently being assessed through a Sidewalk Maintenance District (SMD). The annual budget for the SMD is \$242,350 and is included in the total District Budget of \$1,300,513. By working with Council District 5 and the Bureau of Street Services (the department that administers the SMD) the District will contract with the Bureau of Street Services to receive the SMD assessment funds and provide the baseline of services as defined in the SMD scope of services. Services provided through the SMD include sidewalk sweeping and pressure washing, trash collection, landscape maintenance and tree trimming.

Funds from the SMD will only be spent to provide services to parcels assessed in the SMD District as outlined in the SMD agreement. The services provided by the SMD will only continue as long as the SMD is in effect and renewed annually through City Council

action.

Maintenance Overlay District

Parcels within the District, but not within the SMD are on the periphery of the District and are made up primarily of high rise office buildings. Because the pedestrian traffic is much lower in the Maintenance Overlay District the frequency of sidewalk maintenance, graffiti removal and other maintenance services are much less than the SMD in order to provide the same level of cleanliness that is provided by the SMD assessment. Parcels within the District, but not within the SMD will pay an additional maintenance overlay assessment to receive services similar to those provided to parcels within the SMD. The maintenance overlay assessment will be in effect for the three year term of the District.

PARKING AND TRAFFIC MANAGEMENT

The parking/traffic management budget will be used to develop programs that will make parking in Westwood simpler, convenient, and more attractive for users. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce. Several options that could be considered include; signage/wayfinding programs, a valet parking program, parking maps/website and adding additional on-street parking.

COMMUNICATION

It is important to not only provide the services needed in the District, but to tell the story of improvement in the District. The special benefit to assessed District parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce. Some of the communication/image programs being considered are:

- Quarterly Newsletter
- Westwood BID Web Site

SPECIAL PROJECTS

The Special Projects budget is reserved for opportunities and additional projects that present themselves during the life of the District. These special projects will improve commerce by attracting pedestrians to provide a special benefit to the individual assessed parcels within the District. Special project funds will only be used to specially benefit assessed parcels within the District. Special projects may include activities such as increased holiday lighting projects, increased landscape maintenance, tenant recruitment and support, increased communication or event production. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce.

MANAGEMENT, CITY FEES AND SLOW PAY

The improvements and activities are managed by a professional staff that requires centralized administrative support. Management staff oversees the District's services

which are delivered seven days a week. Management staff actively works on behalf of the District parcels to insure that City and County services and policies support the District. Reimbursement of costs provided by the private property owners to establish the district as well as future costs to renew the District, conduct a yearly financial review as well as City fees, uncollectible assessments and depreciation are included in this budget item. The special benefit to assessed parcels from these services is increased commercial activity which directly relates to increases in lease rates and enhanced commerce.

EXHIBIT B: ESTIMATE OF COST

2011 Operating Budget

The following table outlines the PBID maximum assessment operating budget for calendar year 2011.

Activity	Budget
Clean, Safe and Beautiful	\$513,863
Parking and Traffic Management	\$231,250
Communication	\$30,000
Special Projects	\$125,000
Management	\$158,050
TOTAL	\$1,058,163

Budget Notations

1. PBID Assessments will be subject to an annual increase of up to 5% per year as determined by the Owners Association and will vary between 0% and 5% in any given year.

EXHIBIT C: METHOD OF APPORTIONMENT

PBID Boundary

Beginning at the intersection of Levering Avenue and Le Conte Avenue the northern boundary of the District follows the south side of Le Conte Avenue east to the intersection with the eastern parcel line of parcels facing on the east side of Hilgard Avenue. Turn south along the eastern parcel line of parcels facing on the east side of Hilgard Avenue until the intersection with Weyburn Avenue. Turn west along the north side of Weyburn Avenue to the intersection with Hilgard Avenue. At Hilgard Avenue turn south following the west side of Hilgard Avenue to the intersection with Lindbrook Drive. Turn south along the east parcel line of parcel number 4360-003-028 and 4360-003-029 to the intersection with Wilshire Boulevard. Cross Wilshire Boulevard and continue south along the east parcel line of parcel number 4325-005-019, then follow the south parcel line of parcel number 4325-005-019 to the eastern parcel line of parcel number 4325-005-074. Turn south along the eastern parcel line of parcel 4325-005-074 to the south parcel line of the same parcel. Turn west along the south parcel line of parcel 4325-005-074 to the intersection with Glendon Avenue. Cross Glendon Avenue continuing west along the south parcel line of parcel number 4325-005-083 to Westwood Boulevard. Cross Westwood Boulevard and continue west on the north side of Ashton Avenue to the intersection with the west parcel line of parcel number 4324-002-028. Turn north along the west parcel line of parcel number 4324-002-028 to the intersection with the south parcel line of parcel number 4324-002-027. Turn west along the south parcel line of parcel number 4324-002-027 to Veteran Avenue. Turn north on the east side of Veteran Avenue to the intersection with Wilshire Boulevard. Turn east on the south side of Wilshire Boulevard to the intersection with the west parcel line of parcel number 4363-023-001. Turn north along the west parcel line of parcel number 4363-023-001 and continue along the west parcel line of parcels facing on the west side of Gayley Avenue to the intersection with Weyburn Avenue. Turn east along the south side of Weyburn Avenue to the western side of Gayley Avenue. Turn north along the east side of Gayley Avenue to Levering Avenue. Continue north along the east side of Levering Avenue to the starting point at the intersection of Levering Avenue and Le Conte Avenue.

District Boundary Rationale

The property uses within the general boundaries of the Westwood Business Improvement District are a mix of retail, theater, religious, parking, office and residential. Services and improvements provided by the District are designed to provide special benefits to the retail, theater, religious, parking, office and residential parcels. All of the services provided such as the security work provided by the Safe Team and the maintenance work provided by the Clean Team are services that are over and above the City's baseline of services and are not provided by the City. These services are not provided outside of the District and because of the unique nature of these services focusing on the particular needs of each assessed property within the District provide particular and distinct benefits to each of the assessed parcels within the District.

In order to ensure that parcels outside of the District will not specially benefit from the improvements and services funded with the assessment, improvements and services will only be provided to assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance / sanitation personnel, and similar service providers employed in connection with the District will only patrol and provide services to assessed parcels within the District, and will not provide services outside of District boundaries. Nor will District promotional efforts promote activities outside of District boundaries.

Northern Boundary: The northern boundary of the Westwood Business Improvement District is Le Conte Avenue. The University of California, Los Angeles campus is located on the north side of Le Conte Avenue. The campus is fully contained, provides its own services similar to those being provided by the District and is distinctly different in uses and character than the commercial properties on the south side of Le Conte Avenue and because of this difference will not benefit from the District programs that are designed to provide special benefits to retail, theater, religious, parking, and office uses. In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to individual assessed parcels within the boundaries of the District.

Eastern Boundary: The eastern boundary of the Westwood Business Improvement District was determined by the zoning of the parcels east of the District boundaries. The parcels east of the District boundaries are zoned residential and as per State of California Streets and Highways code section 36632.(c) *"are conclusively presumed not to benefit from the improvements and service funded through these assessments..."* In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance personnel, and similar service providers employed in connection with the District will only patrol and provide services to individual assessed parcels within the District, and will not provide services outside of District boundaries.

Southern Boundary: The southern boundary of the Business Improvement District was determined by the zoning and use of the parcels south of the District boundaries. The parcels south of the District boundaries are zoned primarily residential. Residential zoned parcels, which are excluded by law from participating in the District, will not benefit from the District programs that are designed to provide special benefits to retail, theater, religious, parking, and office uses. In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to individual assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance personnel, and similar service providers employed in connection with the District will only patrol and provide services to individual assessed parcels within the District, and will not provide services outside of District boundaries.

Western Boundary: The western boundary of the Westwood Business Improvement District was determined by the zoning and use of the parcels west of the District boundaries. The parcels west of the District boundaries are zoned open space (cemetery land). The open spaced zoned parcels will not benefit from the District programs that are designed to provide special benefits to retail, theater, religious, parking, and office uses. In order to ensure that parcels outside of the District will not specially benefit from the unique improvements and services funded with the assessment, improvements and services will only be provided to individual assessed parcels within the boundaries of the District. Specifically, security patrols, maintenance personnel, and similar service providers employed in connection with the District will only patrol and provide services to individual assessed parcels within the District, and will not provide services outside of District boundaries.

Special Benefit

The Property and Business Improvement District Law of 1994, as amended, and the State Constitution Article XIID require that assessments be levied according to the special benefit each assessed parcel receives from the improvements and activities. Additional clean, safe and beautiful activities, parking and traffic management, communication and special projects are the improvements and activities anticipated throughout the PBID. The special benefit to assessed parcels from these proposed PBID activities exceeds the total amount of the proposed assessment.

All of the PBID services and activities are provided only to assessed parcels within the boundaries of the District. The special benefit must affect the assessed property in a way that is particular and distinct from its effect on other parcels and that real property in general and the public at large do not share. The public at large is defined as all members of the public including those that live, work, and shop within the District and not simply transient visitors. A General Benefit is defined as a benefit to properties in the District and in the surrounding community or benefit to the public in general resulting from the improvement, activity or service to be provided by the assessment levied. Inasmuch as all services will be provided to the assessed properties and general benefits, if any, to the surrounding community and public in general are intangible and are not quantifiable there are no assessable general benefits.

We determined that the proposed services and activities provide only special benefit to the assessed real property within the district area. Each of the programs is designed to meet the goals of each individual parcel; to improve the economic and environmental elements by increasing building occupancy and lease rates, encouraging new business development and attract ancillary businesses and services, and encourage commerce. A basic premise of commercial business is that increased pedestrian traffic increases the economic return to the property. The increase in pedestrian traffic is likely to encourage commerce whether it be on the first visit or in subsequent visits. All pedestrian traffic is considered to be potential customers who will become the target audience for future patronage of retail and business establishments and services, and the renting of space in commercial and residential buildings. The enhanced PBID services are a special benefit to each assessed parcel because they are intended to increase the pedestrian traffic.

Clean, Safe and Beautiful

This program, as described in Exhibit A will provide security and maintenance services along with streetscape improvements above the base level of services provided by the City. The services the security forces and maintenance teams provide and the streetscape improvements are specific to the Westwood area, thus, each assessed parcel located in the District specially benefits from this enhanced level of service. These services will not be delivered to any parcel outside the PBID boundary and are intended to meet the goals of the PBID as discussed above. Therefore, it is our opinion that there is no general benefit and that the increased level of security and maintenance and streetscape improvements provides a special benefit only to the assessed parcels in the PBID.

Parking and Traffic Management

This program, as described in Exhibit A, is intended to make parking in the Westwood area more convenient and simpler to find. This will encourage greater vehicle traffic and commercial activity all in an effort to increase commerce and lease rates. Since these activities are provided only to those assessed parcels within the PBID boundary and are intended to meet the goals of the PBID, it is our opinion that there is no general benefit. The parking and traffic management provides a special benefit only to the assessed parcels in the PBID.

Communication and Special Projects

These programs, as described in Exhibit A, are intended to retain and attract new business and encourage greater pedestrian traffic. This is in an effort to increase commerce and encourage investment dollars. In order to accomplish this, the PBID proposes a myriad of communication programs and special projects. These programs are designed to benefit only the assessed parcels within the Westwood area, thus, each assessed parcel located in the PBID will benefit from the communication efforts and special projects. Therefore, it is our opinion that there is no general benefit and that the communication programs and special projects provide a special benefit to the assessed parcels in the district area.

Management

This program as described in Exhibit A is designed to develop public/private partnerships that will enhance the goals and needs of the PBID area all in an effort to increase investment dollars and commerce. The program is designed to effectively and efficiently manage the day to day operations of the PBID to make sure it is meeting the goals and objectives of the PBID. The above benefits are to be provided only to the assessed parcels within the PBID boundaries. Therefore, it is our opinion that there is no general benefit and that the management programs provide a special benefit only to the assessed parcels in the PBID.

In addition to the special benefits described above for the four programs the PBID offers, there are also less tangible reasons why these services provide only a special benefit to those properties within the PBID.

1. All improvements and activities to be provided through the PBID are special services and are above and beyond the general level of service the City currently provides.
2. All improvements and activities to be provided through the PBID are designed by the property owners to increase business revenue and provide special benefits that may result in increased rental occupancy rates and annual revenue incomes to the owners of assessed real property within the district.
3. The California State Legislature found that assessments levied for the purpose of providing improvements and promoting activities that benefit real property are not taxes for the general benefit of a city, but are assessments for the improvements and activities which confer special benefits upon the assessed real property for which the improvement and activities are provided. Streets and Highways Code Section 36601 (d).

Assessment Methodology

Determining the proportionate share of special benefit among the assessed parcels of real property, including the government owned parcels, within the proposed assessment district which benefit from the proposed Improvements is the result of a four-step process:

1. Defining the proposed improvements.
2. Identifying how each assessed parcel specially benefits from the proposed improvements and activities.
3. Determining the amount of the special benefit each assessed parcel receives in relation to the other assessed parcels in the district.
4. Apportioning the cost of the proposed improvements and activities to each assessed parcel based on the special benefit received.

The proposed improvements and activities as outlined in Exhibit A will provide a higher level of service than the City provides with City funds to those assessed parcels in the PBID area. Therefore, every assessed parcel in the PBID benefits from the improvements and activities and will receive enhanced safety, clean and beautiful programs, parking and traffic management, and communication and special projects. The PBID programs are designed to deliver service to each assessed parcel within the district.

Assessment Factors

The Westwood property owners and business owners have emphasized that the assessment formula for the PBID must be fair, balanced and have a direct relationship to benefits received. The State enabling legislation, Section 36632(a) of the Streets and Highways Code, also states, "Assessments levied on real property...shall be levied on the basis of the estimated benefit to the real property within the...district."

While all the PBID services are provided to the benefiting parcels in the district, the recommended assessment methodology for the Westwood PBID is to spread the cost of the improvements and activities equally to lot square footage, building square footage,

and linear street frontage.

Lot square footage is relevant to the best use of a property and will reflect the long term special benefit implications of the improvement district. Lot square footage is defined as the total amount of area within the borders of the parcel. The borders of a parcel are defined on the County Assessor parcel maps. Due to the high demand for services to the lot, the lot square footage will receive 33% of the budget.

Linear Street frontage is relevant to the amount of benefit each assessed parcel will receive from the PBID services that are delivered at the street level. This reflects the fact that services on the street will have the greatest benefit to properties in relationship to their exposure on the streets. That is to say that the more linear frontage a parcel has the more benefit it will receive from the services. Properties are assessed for all street frontages. Properties with more than one street frontage such as corner lots are assessed for the sum of all the parcels' street frontage. Linear front footage was obtained from the County Assessor's parcel maps. Similarly to the lot square footage, the linear street frontage will receive significant levels of services and will be assessed 34% of the budget.

Building square footage is relevant to the interim use of a property and is utilized to measure short and mid-term special benefit. It also acknowledges the benefits from the services to the buildings, including tenants, residents and employees. Building square footage is defined as gross building square footage as determined by the outside measurements of a building. Building square footage will be assessed 33% of the budget.

Assessment Calculation

In order to allocate the cost of the PBID services to the parcels for the special benefits received we use the assessable square footages shown below.

Assessment Factor	Assessable Sq. Ft. Total District
Lot Square Footage	2,234,308
Building Square Footage	6,047,399
Linear Street Frontage	24,258

Assessment Factor	Assessable Sq. Ft. Maintenance Overlay
Lot Square Footage	677,365
Building Square Footage	3,294,232
Linear Street Frontage	5,724

Budget Distribution	District Wide	SMD	Overlay
Clean Safe Beautiful	\$472,874	\$237,350	\$40,989
Parking/Traffic	\$231,250		
Communication	\$ 30,000		
Special Projects	\$125,000		
Management	\$123,050		
City Fees/Slow Pay	\$ 35,000	\$ 5,000	
Total	\$1,017,174	\$ 242,350	\$40,989

As previously discussed the cost of the PBID services is allocated to the above assessment factors based on demand for service and benefits received.

District Wide Assessment In order to calculate the District Wide Assessment Rate per assessment factor multiply the total PBID District Wide budget by the percentages identified above for the lot square footage, building square footage and linear street frontage. For example the portion of the budget allocated to lot square footage is \$335,667 (\$1,017,174 x 33%). Then divide the \$335,667 by the district wide assessable lot square feet (2,234,308) which equals an assessment rate of \$0.1502 per lot square foot. The assessment rates for the linear street frontage and building square feet are calculated the same as the lot square feet. The following table illustrates the first year's assessment rates for the three assessment factors.

Assessment Factor	Assmt Rate per Foot District Wide
Lot Square Footage	\$0.1502
Building Square Footage	\$0.0555
Linear Street Frontage	\$14.2567

Maintenance Overlay Assessments Parcels within the Maintenance Overlay are on the periphery of the District and are made up primarily of high rise office buildings. Because the pedestrian traffic is much lower in the Maintenance Overlay the frequency of sidewalk maintenance, graffiti removal and other maintenance services are much less than the SMD in order to provide the same level of cleanliness that is provided by the SMD assessment. A budget of \$40,989 has been established to provide the required level of Maintenance Overlay services.

In order to calculate the Maintenance Overlay Assessment Rate per assessment factor multiply the total PBID Maintenance Overlay budget by the percentages identified above for the lot square footage, building square footage and linear street frontage. For example the portion of the maintenance overlay budget allocated to lot square footage is \$13,526 (\$40,989 x 33%). Then divide the \$13,526 by the maintenance overlay assessable lot square feet (677,365) which equals an assessment rate of \$0.0200 per lot square foot. The assessment rates for the linear street frontage and building square feet are calculated the same as the lot square feet. The following table illustrates the first year's assessment rates for the three assessment factors.

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Assessment Factor	Assmt Rate per Foot
Lot Square Footage	\$0.0200
Building Square Footage	\$0.0041
Linear Street Frontage	\$02.4347

Calculation Formula For Parcels Within The Current Sidewalk Maintenance District:

Lot Square Footage X District Wide Assessment Rate = Parcel Lot Footage Assessment

Building Square Foot X District Wide Assessment Rate = Parcel Building Footage Assessment

Street Front Foot X District Wide Assessment Rate = Parcel Front Footage Assessment

Example:

Lot Square Footage = 1000	$1000 \times \$0.1502 = \150.20
Building Square Footage = 2000	$2000 \times \$0.0555 = \111.00
Frontage = 100	$100 \times \$14.2567 = \1425.67
Total Parcel Assessment	\$1686.87

The total of lot footage assessment plus building footage assessment plus street front footage assessment for each parcel constitutes the total assessment for that parcel.

Calculation Formula For Parcels Within The Maintenance Overlay:

Lot Square Footage X Total of District Wide Assessment Rate plus Overlay Assessment Rate = Parcel Lot Footage Assessment

Building Square Foot X Total of District Wide Assessment Rate plus Overlay Assessment Rate = Parcel Building Footage Assessment

Street Front Foot X Total of District Wide Assessment Rate plus Overlay Assessment Rate = Parcel Front Footage Assessment

Maintenance Overlay Example:

Lot Square Footage = 1000	$1000 \times \$0.1702 = \170.20
Building Square Footage = 2000	$2000 \times \$0.0596 = \119.20
Frontage = 100	$100 \times \$16.6914 = \1669.14
Total Maintenance Overlay Parcel Assessment	\$1958.54

The total of lot footage assessment plus building footage assessment plus street front footage assessment for each parcel constitutes the total assessment for that parcel.

Property Use Considerations

Gross Square Footage of Parking: Because parking structures and lots are primarily used to park cars and not to house tenants, or businesses and because parking uses have less daily pedestrian traffic than similarly sized buildings parking uses require fewer services and receive less special benefit from Westwood BID improvements and

activities. Parking uses will be subject to one of the following methodologies:

- Parking square footage that is integrated within a building, has the same ownership and on the same single parcel as the building (and the building has other uses in addition to parking) the square footage of the building that is comprised of parking require no District services and receive no special benefit. This square footage will be excluded from the calculation of building square footage when determining building assessments. (All three conditions must be met to be excluded)
- Non-integrated structured parking and/or surface parking with the same ownership as a building and with a majority of its parking dedicated to the building's tenants require fewer services and receive less special benefit. These parcels will not be assessed for building footage, but will be assessed on lot square footage and street front footage only.
- Non-integrated structured parking with ownership different than buildings that may use a majority of the parking and independent stand-alone structured parking require the same services as other non-parking parcels and receive the same special benefit. These parcels will be assessed the same as other parcels within the District. They will be assessed on lot square footage, building square footage (parking structure) and street front footage. Non-integrated structured parking because of its commercial nature receives more special benefits than parking that primarily serves a single building.
- Surface parking will be assessed on lot square footage and street front footage.

Government Assessments

The Westwood PBID assumes that all local, state and federal entities will pay assessments for the special benefits conferred to government property within the boundaries of the PBID. Government properties will fully benefit from PBID services and will pay the same assessment rates as commercial properties. Article XIII D of the California Constitution was added in November of 1996 and provides for these assessments.

APN	Legal Owner Name	Site Address	Building	Lot Size	FF	Annual Assessment	%
4363-018-904	L A City	1036 Broxton Ave	89,040	29,640	299	\$ 13,657.93	1.29%
	Total L A City					\$ 13,657.93	1.29%
4363-019-901	Regents Of The University Of CA	10886 Le Conte Ave	36,579	22,144	146	\$ 7,438.60	0.70%
4324-001-900	Regents Of The University Of CA	10920 Wilshire Blvd	315,776	52,839	174	\$ 30,721.72	2.90%
	Total Regents Of The University Of CA					\$ 38,160.32	3.61%
	Total Government Parcels					\$ 51,818.25	4.90%

Maximum Annual Assessment Adjustments

Assessments will be subject to an annual increase of up to 5% per year as determined by the Owners Association and will vary between 0% and 5% in any given year.

Budget Adjustment

Any annual budget surplus or deficit will be rolled into the following year's District budget. The budget will be set accordingly, within the constraints of the management plan to adjust for surpluses or deficits that are carried forward.

Future Development

As a result of continued development, the District may experience the addition or subtraction of assessable commercial footage for parcels included and assessed within the District boundaries. The modification of parcel improvements assessed within the District may then change upwards or downwards the amount of total footage assessment for these parcels. In future years, the assessments for the special benefits bestowed upon the included PBID parcels may change in accordance with the assessment methodology formula listed in the Management District Plan and Engineer's Report provided the assessment rate does not change. If the assessment formula changes, then a Proposition 218 ballot will be required to approve the changes.

EXHIBIT D: ASSESSMENT ROLL

APN	Legal Owner Name	Site Address	Building	Lot Size	FF	Annual Assessment	%
4363-018-904	L A City	1036 Broxton Ave	89,040	29,640	299	\$ 13,657.93	1.29%
	Total L A City					\$ 13,657.93	1.29%
4363-019-901	Regents Of The University Of CA	10886 Le Conte Ave	36,579	22,144	146	\$ 7,438.60	0.70%
4324-001-900	Regents Of The University Of CA	10920 Wilshire Blvd	315,776	52,839	174	\$ 30,721.72	2.90%
	Total Regents Of The University Of CA					\$ 38,160.32	3.61%
	Total Government Parcels					\$ 51,818.25	4.90%

APN	Legal Owner Name	Site Address	Building	Lot Size	FF	Annual Assessment	%
4363-024-020	1000 Gayley LLC	1000 Gayley Ave	3,370	3,440	126	\$ 2,500.20	0.24%
4363-024-006	1055 Broxton Associates LLC	1055 Broxton Ave	3,800	4,400	40	\$ 1,442.22	0.14%
4325-005-083	10880 Ground LLC	10880 Wilshire Blvd	618,301	86,684	883	\$ 66,350.60	6.27%
4324-001-031	Wilshire Westwood Plaza LLC	10900 Wilshire Blvd 520	251,862	49,658	435	\$ 30,726.71	2.90%
4363-022-003	Lisa and Jan Chan	1101 Glendon Ave	16,387	12,637	211	\$ 5,816.24	0.55%
4363-024-017	220 Post Street Associates	10925 Kinross Ave	9,130	14,082	232	\$ 5,929.91	0.56%
4360-002-037	Alexandra Scharff	10841 Lindbrook Dr	11,531	10,440	130	\$ 4,061.85	0.38%
4325-005-019	AVCO CENTER CORP	10850 Wilshire Blvd	225,692	63,600	276	\$ 28,885.69	2.73%
4363-017-006	Bank Of America Nt & Sa	922 Gayley Ave	3,729	8,011	80	\$ 2,551.04	0.24%
4363-018-030	Benjamin Pick	10913 Weyburn Ave	10,252	7,950	80	\$ 2,903.94	0.27%
4363-024-016	Benjamin Pick	1072 Gayley Ave	11,200	8,800	80	\$ 3,084.26	0.29%
4363-025-002	Benjamin Pick	1079 Gayley Ave	5,000	5,500	50	\$ 1,816.65	0.17%
4363-025-003	Benjamin Pick	NO SITE ADDRESS	1,600	4,400	40	\$ 1,320.10	0.12%
4324-002-028	Bp 10960 Wilshire LLC	10960 Wilshire Blvd	584,752	145,490	771	\$ 72,490.15	6.85%
4363-017-013	Broxton Plaza	911 Broxton Ave	19,052	7,490	166	\$ 4,549.36	0.43%
4363-024-003	Broxton Two LLC	1073 Broxton Ave	4,750	5,500	50	\$ 1,802.77	0.17%
4363-021-019	Casden Glendon LLC	1067 Glendon Ave	393,259	172,062	1729	\$ 72,327.55	6.84%
4363-021-020	Casden Glendon LLC	1070 Glendon Ave	26,008	12,746	80	\$ 4,499.01	0.43%
4363-017-010	Christopher G Hertrich	959 Broxton Ave	17,853	39,380	228	\$ 10,157.67	0.96%
4360-002-032	Douglas McKenzie/ Christopher Lloyd	10863 Lindbrook Dr	6,519	6,990	180	\$ 3,978.18	0.38%
4363-025-001	Christopher Overfield	1085 Gayley Ave	12,355	12,982	222	\$ 5,801.09	0.55%
4363-019-903	CSHV WESTWOOD PLAZA LLC	930 Westwood Blvd	145,497	42,420	574	\$ 22,632.21	2.14%
4363-018-025	CVS 5828 CA LLC	NO SITE ADDRESS	0	9,750	100	\$ 2,890.45	0.27%
4363-018-026	CVS 5828 CA LLC	1001 Westwood Blvd	17,624	8,151	176	\$ 4,711.97	0.45%
4363-025-008	1045 Gayley Associates LLC	1045 Gayley Ave	7,364	4,400	40	\$ 1,640.04	0.15%
4363-018-009	10935 Weyburn LLC	10935 Weyburn Ave	7,484	3,955	57	\$ 1,822.21	0.17%
4363-017-012	Dearborn 2004 Living Trust	921 Broxton Ave	3,861	3,876	69	\$ 1,780.33	0.17%
4324-002-027	Douglas Emmett Realty Fund 1997	10990 Wilshire Blvd	216,998	21,340	289	\$ 21,391.66	2.02%
4363-018-027	Duesenberg Investment Company	1019 Westwood Blvd	3,780	4,200	42	\$ 1,439.57	0.14%
4363-018-028	Duesenberg Investment Company	1025 Westwood Blvd	5,040	6,001	60	\$ 2,036.70	0.19%
4363-018-029	Duesenberg Investment Company	1029 Westwood Blvd	5,857	8,000	80	\$ 2,667.50	0.25%
4363-020-006	Duesenberg Investment Company	1000 Westwood Blvd	64,491	17,117	263	\$ 9,900.70	0.94%
4363-020-008	Duesenberg Investment Company	1030 Westwood Blvd	10,800	6,426	50	\$ 2,277.70	0.22%
4363-020-009	Duesenberg Investment Company	1038 Westwood Blvd	10,500	12,068	100	\$ 3,821.50	0.36%
4363-020-010	Duesenberg Investment Company	1056 Westwood Blvd	6,684	6,738	60	\$ 2,238.68	0.21%
4363-020-011	Duesenberg Investment Company	1060 Westwood Blvd	3,564	5,327	50	\$ 1,710.95	0.16%

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4363-020-013	Duesenberg Investment Company	1072 Westwood Blvd	2,964	5,345	60	\$	1,822.92	0.17%
4363-022-005	Duesenberg Investment Company	1116 Westwood Blvd	5,880	7,000	70	\$	2,375.98	0.22%
4363-022-006	Duesenberg Investment Company	1124 Westwood Blvd	3,400	4,000	40	\$	1,359.92	0.13%
4363-022-007	Duesenberg Investment Company	1130 Westwood Blvd 202	3,400	4,000	40	\$	1,359.92	0.13%
4363-022-009	Duesenberg Investment Company	1142 Westwood Blvd	16,267	12,292	245	\$	6,242.48	0.59%
4363-023-027	Duesenberg Investment Company	10912 Kinross Ave	17,904	16,780	262	\$	7,249.95	0.69%
4363-017-005	F Prince	10984 Le Conte Ave	1,101	13,200	503	\$	9,215.31	0.87%
4363-017-008	Four Corners Investment Co	10975 Weyburn Ave	1,784	11,610	258	\$	5,521.46	0.52%
4363-017-009	Four Corners Investment Co	10965 Weyburn Ave	4,043	5,334	40	\$	1,596.02	0.15%
4363-024-012	Four Star Investments	1001 Broxton Ave	8,530	9,850	194	\$	4,719.07	0.45%
4363-025-012	Fudec Inc	1001 Gayley Ave	23,340	9,850	194	\$	5,541.11	0.52%
4363-025-010	Gayley Enterprises LLC	1019 Gayley Ave	7,362	4,400	40	\$	1,639.93	0.15%
4363-021-800	GTE California Inc.	1041 Tiverton Ave	53,580	20,534	130	\$	7,912.28	0.75%
4363-022-010	Harrison Properties	1139 Glendon Ave	8,851	7,288	196	\$	4,380.50	0.41%
4363-022-016	Harrison Properties	1129 Glendon Ave	2,877	4,322	68	\$	1,778.46	0.17%
4363-018-032	HB Landowners	NO SITE ADDRESS	0	19,110	0	\$	2,870.96	0.27%
4363-024-008	Hocroft Partnership	1037 Broxton Ave Prope	8,118	4,400	40	\$	1,681.89	0.16%
4363-023-030	Hollywood Theatre Co	10929 Lindbrook Dr	0	16,570	249	\$	6,039.29	0.57%
4363-018-015	Ihsan & Jamil Nizam	1041 Westwood Blvd	8,360	4,000	40	\$	1,635.23	0.15%
4360-002-013	In Cahoots LLC	1015 Hilgard Ave	43,410	22,790	275	\$	11,056.81	1.04%
4363-020-007	Indivest Incorporated	1018 Westwood Blvd	7,259	8,137	61	\$	2,495.03	0.24%
4363-020-014	J J Bhasin Investments	1090 Westwood Blvd	11,276	7,504	165	\$	4,105.59	0.39%
4363-017-011	Jeffrey Selzer	939 Broxton Ave	3,878	3,360	60	\$	1,575.44	0.15%
4363-025-007	Jeffrey Williams	1049 Gayley Ave	3,800	4,400	40	\$	1,442.22	0.14%
4363-017-002	Jews For Jesus	10962 Le Conte Ave	6,766	4,000	40	\$	1,546.76	0.15%
4363-024-002	John & Becky Jakosky	1081 Broxton Ave	5,700	6,600	60	\$	2,163.33	0.20%
4363-025-006	John A & Rosalind Ashkar	1057 Gayley Ave	3,760	4,400	40	\$	1,440.00	0.14%
4363-022-004	Capital JTA, LLC	1100 Westwood Blvd	7,611	7,697	194	\$	4,344.60	0.41%
4363-025-004	John Jakosky	1067 Gayley Ave	7,520	4,400	40	\$	1,648.70	0.16%
4363-025-005	John Jakosky	1061 Gayley Ave	8,245	4,400	40	\$	1,688.94	0.16%
4363-022-008	Joseph A & Marie Rezzo	1140 Westwood Blvd	6,340	4,000	40	\$	1,523.11	0.14%
4363-018-020	Marjorie Cruise	10940 Weyburn Ave	9,852	10,830	273	\$	6,065.95	0.57%
4363-022-019	Oxy Westwood Corp	10889 Wilshire Blvd	335,881	72,310	1098	\$	50,657.10	4.79%
4363-018-008	Perla Johnson	920 Broxton Ave	21,227	17,850	257	\$	7,523.86	0.71%
4363-018-019	Phyllis Gabriel	10930 Weyburn Ave	3,200	4,000	40	\$	1,348.82	0.13%
4360-003-028	Plaza La Reina	10844 Lindbrook Dr	0	13,160	120	\$	3,687.87	0.35%
4363-024-019	Reed Springer	1066 Gayley Ave	3,504	4,400	40	\$	1,425.79	0.13%
4363-019-009	Senior Services LTD	947 Tiverton Ave	188,062	31,770	376	\$	20,572.02	1.94%
4360-006-019	SLT Westwood Realty LLC	936 HILGARD AVE	0	10,233	65	\$	2,826.62	0.27%
4360-006-020	SLT Westwood Realty LLC	932 HILGARD AVE	0	10,493	65	\$	2,870.88	0.27%
4360-006-025	SLT Westwood Realty LLC	922 HILGARD AVE	249,699	32,860	210	\$	23,983.14	2.27%
4360-006-027	SLT Westwood Realty LLC	942 HILGARD AVE	0	9,780	65	\$	2,749.52	0.26%
4324-001-032	Spk The Tower LLC	10940 Wilshire Blvd	229,553	36,390	390	\$	26,387.47	2.49%
4363-017-003	Squat Like A Hen	10966 Le Conte Ave	5,466	8,000	80	\$	2,645.80	0.25%
4363-018-010	Starkman Family Partnership	10929 Weyburn Ave	3,360	4,000	40	\$	1,357.70	0.13%
4363-018-011	Starkman Family Partnership	10923 Weyburn Ave	3,360	4,000	40	\$	1,357.70	0.13%
4363-017-004	Steven Cruise	900 Gayley Ave	0	8,750	177	\$	3,837.98	0.36%
4363-017-014	Steven Cruise	950 Gayley Ave	6,212	12,160	129	\$	4,010.76	0.38%
4363-024-001	Sutton Properties LLC	1091 Broxton Ave	14,122	9,682	193	\$	4,989.96	0.47%
4363-019-008	Teachers Insurance & Annuity	10861 Weyburn Ave	193,648	176,854	1170	\$	53,998.34	5.10%
4363-021-018	Trizec Westwood Center LLC	1100 Glendon Ave	305,260	59,139	753	\$	36,563.73	3.46%
4363-022-015	Twenty Eighth Church Of Christ	1125 Glendon Ave	5,480	3,888	40	\$	1,458.55	0.14%
4363-025-011	Westvill Ltd	1015 Gayley Ave	8,822	4,400	40	\$	1,720.97	0.16%
4363-018-014	Westwood Dome Partners	1081 Westwood Blvd	28,391	20,720	461	\$	11,261.05	1.06%

Westwood Business Improvement District
Engineer's Report

September 22, 2010
Page 19 of 19

4360-001-182	Westwood Investments	927 HILGARD AVE	19,920	9,160	65	\$	3,831.47	0.36%
4363-023-034	Westwood Lindbrook Partners Ltd	10920 Lindbrook Dr	36,830	22,420	399	\$	11,100.94	1.05%
4363-024-007	Westwood Marketplace LLC	1043 Broxton Ave	5,733	8,250	75	\$	2,626.89	0.25%
4363-024-009	Westwood Marketplace LLC	NO SITE ADDRESS	0	4,400	40	\$	1,231.29	0.12%
4363-024-010	Westwood Marketplace LLC	NO SITE ADDRESS	0	4,400	40	\$	1,231.29	0.12%
4363-024-011	Westwood Marketplace LLC	1013 Broxton Ave	0	8,800	80	\$	2,462.59	0.23%
4363-024-021	Westwood Marketplace LLC	1050 Gayley Ave	16,936	46,011	428	\$	13,954.30	1.32%
4363-018-018	Westwood Partners LLC	10924 Weyburn Ave	3,360	4,000	40	\$	1,357.70	0.13%
4363-020-002	Westwood Partners LLC	1071 Glendon Ave	7,500	5,950	60	\$	2,165.59	0.20%
4363-024-004	Westwood Partners LLC	1067 Broxton Ave	4,750	5,500	50	\$	1,802.77	0.17%
4363-024-005	Westwood Partners LLC	1061 Broxton Ave	4,275	4,950	45	\$	1,622.49	0.15%
4325-005-074	WESTWOOD PLACE INVESTORS LLC	10866 WILSHIRE BLVD	202,388	43,828	482	\$	27,569.68	2.61%
4363-025-009	Westwood Professional Building L	1033 Gayley Ave 200	18,458	13,200	120	\$	4,718.42	0.45%
4363-020-001	Westwood Retail LLC	10875 Kinross Ave	7,700	9,750	150	\$	4,030.68	0.38%
4363-023-033	Westwood Village Dev Co	1101 Gayley Ave	81,478	36,250	434	\$	16,155.89	1.53%
4363-023-037	Wilshire Gayley LLC	1157 Gayley Ave	0	11,240	128	\$	3,513.48	0.33%
4363-023-001	Wilshire Gayley LLC	10951 Wilshire Blvd	0	9,910	181	\$	4,707.85	0.44%
4360-003-029	Wilshire Glendon Assoc LTD	10877 Wilshire Blvd	278,192	51,836	653	\$	32,538.47	3.07%
4363-023-029	Wvs Spe LLC	1101 Westwood Blvd	60,602	42,600	612	\$	18,488.82	1.75%
4363-018-001	Ww Properties LLC	921 Westwood Blvd	50,790	31,640	508	\$	14,814.94	1.40%
4363-018-002	Ww Properties LLC	10918 Le Conte Ave	4,845	5,851	60	\$	2,003.34	0.19%
4363-018-003	Ww Properties LLC	10922 Le Conte Ave	0	2,000	20	\$	585.60	0.06%
4363-018-004	Ww Properties LLC	10924 Le Conte Ave	0	4,000	40	\$	1,171.20	0.11%
4363-018-005	Ww Properties LLC	10928 Le Conte Ave	0	4,000	40	\$	1,171.20	0.11%
4363-018-006	Ww Properties LLC	10934 Le Conte Ave	0	4,000	40	\$	1,171.20	0.11%
4363-018-007	Ww Properties LLC	900 Broxton Ave	0	12,036	215	\$	4,873.40	0.46%
4363-023-032	Ww Westwood LP Lessee	10921 Wilshire Blvd	147,876	54,450	689	\$	26,211.09	2.48%
	Total non government parcels					\$	1,006,344.73	95.10%
	Total government parcels					\$	51,818.25	4.90%
	Total all parcels					\$	1,058,162.98	100.00%

ORDINANCE NO. 181601

An Ordinance of Intention to establish a Property and Business Improvement District to be known as the "Westwood Business Improvement District" pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California) and to levy assessments.

WHEREAS, the Property and Business Improvement District Law of 1994 authorizes cities to establish Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes; and

WHEREAS, property owners in the Westwood business community who will pay more than 50 percent of the total amount of assessments to be levied, have filed written petitions requesting that the City Council establish a district to be named the Westwood Business Improvement District.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. DECLARATION. Pursuant to the provisions of Property and Business Improvement District Law of 1994, Section 36600 *et seq.*, of the Streets and Highways Code (Act), the City Council declares its intention to consider the establishment of a Property and Business Improvement District to be named the Westwood Business Improvement District (District).

Sec. 2. ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN. The City Council hereby adopts, approves and confirms the Engineer's Report and the Management District Plan included in Council File No. 11-0238.

Sec. 3. PARCELS WITHIN THE DISTRICT. The City Council hereby affirms its finding that all parcels, which will have a special benefit conferred upon them and upon which an assessment will be imposed, are identified in the Management District Plan.

Sec. 4. PROPORTIONAL BENEFIT. The City Council hereby reaffirms that the assessment proposed to be imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel.

Sec. 5. SEPARATION OF GENERAL AND SPECIAL BENEFITS. The City Council hereby affirms that it has separated the general benefits, if any, from the special benefits conferred on each parcel.

include, but are not limited to, clean, safe and beautiful, parking and traffic management, communication, special projects and administration.

Sec. 9. ANNUAL ASSESSMENTS AND DURATION. The District's total assessment for three years is estimated to be \$3,346,619. The District's total annual assessment for the first year is estimated to be \$1,058,163. Annual assessments for subsequent years may be adjusted based upon the Consumer Price Index for the Los Angeles region, or by a flat percentage rate, not to exceed five percent of the previous year's rate. It is proposed that the District be established for a three year period. The District will not issue bonds.

Sec. 10. COLLECTION OF ASSESSMENTS. The City Council hereby declares that to the extent possible, assessments shall be collected at the same time and in the same manner as County ad valorem property taxes and shall be subject to all laws providing for the collection and enforcement of assessments. For properties that do not appear on the County tax rolls or for assessments for any years in which the City is unable to transmit the assessment information to the County in sufficient time for the County to collect the assessments with the County ad valorem property taxes, the City Clerk may bill and collect the assessments by mailing assessment notices (Statement of Assessment Due) to each property owner within the District at the address shown on City records. Assessments billed by the City Clerk are due 45 calendar days after the Statement of Assessment Due.

Sec. 11. NOTICE, PROTESTS AND HEARING PROCEDURES. The City Clerk shall follow the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 *et seq.*).

Sec. 12. PUBLIC HEARING. The City Council will hold a public hearing to determine whether to establish the District and levy assessments on APK 26 2011 at 10:00 a.m., or as soon thereafter as City Council business permits, and on any hours and days for continued hearing as ordered by the City Council, in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California 90012. At the hearing, all interested persons will be permitted to present written or oral testimony, and the City Council will consider all objections or protests to the proposed assessment.

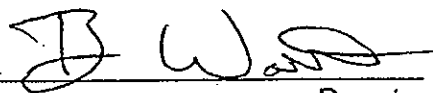
Sec. 13. NOTICE TO RECORD OWNERS. The City Clerk shall give notice of the public hearing, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment. The notice shall be given at least 45 days before the public hearing date and shall specify that the public hearing will be to determine whether the City Council will establish the District and levy assessments.

Sec. 14. TABULATION OF ASSESSMENT BALLOTS. At the conclusion of the


Sec. 17. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAR 1 2011.

JUNE LAGMAY, City Clerk

By 
Deputy

Approved MAR 02 2011


Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By  CHRISTY NUMANO-HURA
Deputy City Attorney

Date 2-1-11

File No. CF ~~10-0545~~ 11-0238

EXHIBIT “D”

DENNIS A. WINSTON, A PROFESSIONAL LAW CORPORATION

12823 Dewey Street, Los Angeles, California 90066

Tel: 310/ 313-4300 Fax: 310/ 572-4622

March 24, 2011

Councilperson Paul Koretz,
Fifth District
Los Angeles City Hall
200 North Spring Street
Room 440
Los Angeles, California 90012

*Re: Hilgard House Hotel adv. Westwood Property Based Business
Improvement District (Council File 11-0238)*

Dear Councilperson Koretz:

Hilgard House Hotel ("Hilgard House") has retained my firm to represent it in a dispute with the proposed Westwood Property Based Business Improvement District ("Westwood PBID") over the proposed inclusion of Hilgard House in the Westwood PBID, a matter to be taken up by the City Council at a public hearing scheduled for April 26, 2011. Hilgard House has authorized my firm to take all legal action necessary to prevent its inclusion in the Westwood PBID because the purported benefits to be provided to Hilgard House are not proportional to the assessments it is scheduled to pay. We would appreciate your efforts in preventing this dispute from proceeding any further.

According to the documents provided to Hilgard House which we have reviewed, including the Management District Plan (the "Plan") and the Engineer's Report (the "Report"), the Westwood PBID proposes to include Hilgard House in a Management Overlay Zone¹, outside the core Westwood business area served by the Sidewalk Maintenance District (the "SMD") and to charge an *added* assessment (*in addition to* paying the same assessment levied upon properties within the SMD) for *less* service than is provided to properties within the SMD. Simply put, Hilgard House is to be charged more for less benefit. That is legally prohibited.

According to the *California Constitution*, art. XIII D, § 4:

(a)...No assessment shall be imposed on any parcel which exceeds the reasonable cost of the **proportional special benefit conferred on that parcel**. Only special benefits are assessable, and an agency shall separate the general benefits from the special benefits conferred on a parcel. [9]

¹ See Plan Map. (Plan, at 7.)

Paul Koretz
Los Angeles City Councilperson,
Fifth District,
Re: Hilgard House Hotel adv. Westwood Property Based Business Improvement District
Page 2

(f) In any legal action contesting the validity of any assessment, **the burden shall be on the agency to demonstrate** that the property or properties in question receive a special benefit over and above the benefits conferred on the public at large and **that the amount of any contested assessment is proportional to, and no greater than, the benefits conferred on the property or properties in question.**²

Silicon Valley Taxpayers' Association, Inc. v. Santa Clara County Open Space Authority (2008) 44 Cal.4th 431, 456, 457 ("For an assessment to be valid, the properties must be assessed in proportion to the special benefits received [...] [T]he purpose of an assessment is to require the properties which have received a special benefit from a public improvement to pay the cost of that improvement, and not to fund an agency's ongoing budget."); *Ventura Group Ventures, Inc. v. Ventura Port District* (2001) 24 Cal.4th 1089, 1105.

According to the Plan and the Report, Westwood PBID cannot meet these constitutional requirements. As detailed in the Plan:

[A]ll property within the [Westwood PBID] is assessed using the same assessment methodology and rates for District wide programs. Parcels within the District, but outside the existing Sidewalk Maintenance District will pay an additional Maintenance Overlay rate in addition to the District wide rate. The total assessment rates for parcels not included in the existing Sidewalk Maintenance District are a total of the District Wide Assessment Rates and the Maintenance Overlay Rates.

(Plan, at 4.)

Funds for the SMD will only be spent to provide services to parcels assessed in the SMD District. [¶]

Maintenance Overlay District

Parcels within the District, but not within the SMD are on the periphery of the District and are made up primarily of high rise office buildings.

Because the pedestrian traffic is much lower in the Maintenance Overlay District the frequency of sidewalk maintenance, graffiti removal and other maintenance services are much less than the SMD in order to provide the same level of cleanliness that is provided by the SMD assessment. **Parcels within the District, but not within the SMD**

² Unless otherwise indicated, all emphasis supplied all internal quotation marks omitted.

Paul Koretz
Los Angeles City Councilperson,
Fifth District.

Re: Hilgard House Hotel adv. Westwood Property Based Business Improvement District
Page 3

will pay an additional maintenance overlay assessment to receive services **similar** to those provided to parcels within the SMD.

(Plan. at 12; Report. at 4.)

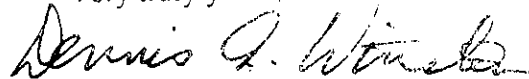
According to the Plan, the needs of Hilgard House for the various services to be provided by the Westwood PBID are less than those of the other parcels within the Westwood PBID. Yet, Hilgard House is to be charged not only the rate paid by parcels within the Westwood PBID that are within the SMD, Hilgard House is also to be charged an additional assessment for its subaltern needs. The proposed assessments are unconstitutional because they not proportional to the "special benefits [to be] received" by Hilgard House. *Silicon Valley Taxpayers' Association, Inc.*, 44 Cal.4th at 456.³

Moreover, Hilgard has fought this fight before with the preceding Westwood Business Improvement District (the "BID"). In 2001, my firm represented Hilgard House, the Hotel Claremont and the Royal Palace Westwood (the "Hotels") in reaching a settlement with the BID for refunds of assessments imposed and an agreement that the Hotels would not be included in future iterations of the BID in Westwood. Now, Westwood PBID proposes to ignore that settlement agreement as to Hilgard House.

Hilgard House will appreciate any assistance you and your office can provide to prevent its inclusion in the Westwood PBID. If not, Hilgard House will bring all legal actions necessary to bring about the same result.

Should you have any questions, just let me know.

Very truly yours,



Dennis A. Winston

DAW:csb

In addition, the method used to calculate the Maintenance Overlay Assessments is improper because the Westwood PBID proposes to "multiply the [total PBID Maintenance Overlay budget] by the square footage of the lots in that area." (Report, at 13.) That is backwards, an assessment must be based upon the benefit to a particular property, not simply a calculation designed to cover the PBID's ongoing budget. *Silicon Valley Taxpayers' Association, Inc.*, 44 Cal.4th at 457 ("[T]he purpose of an assessment is to require the properties which have received a special benefit from a public improvement **to pay the cost of that improvement, and not to fund an agency's ongoing budget.**")

VERIFICATION

STATE OF CALIFORNIA, COUNTY OF Los Angeles

I have read the foregoing VERIFIED COMPLAINT FOR INJUNCTIVE RELIEF AND DECLARATORY RELIEF
AND VERIFIED PETITION FOR WRIT OF MANDATE and know its contents.

CHECK APPLICABLE PARAGRAPHS

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am ☒ an Officer ☐ a partner ☐ a _____ of HILGARD MANAGEMENT
CO., GENERAL PARTNER OF WESTWOOD INVESTMENTS, LTD dba HILGARD HOUSE HOTEL,
 a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. ☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. ☐ The matters stated in the foregoing document are true of my own knowledge, except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am one of the attorneys for _____
 a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on May 6, 2011 at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

William P. Edwards
 Type or Print Name

William P. Edwards
 Signature

PROOF OF SERVICE

1012a (2) CCP Revised 5/1/95

STATE OF CALIFORNIA, COUNTY OF

I am employed in the county of _____, State of California.

I am over the age of 18 and not a party to the within action; my business address is: _____

On, _____ I served the foregoing document described as _____

_____ on _____ in this action

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list;
 by placing ☐ the original ☐ a true copy thereof enclosed in sealed envelopes addressed as follows:

☐ BY MAIL

☐ I deposited such envelope in the mail at _____, California.

The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____ California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on _____, at _____, California.

☒ (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, at _____, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature

*(BY MAIL) SIGNATURE MUST BE OF PERSON DEPOSITING ENVELOPE IN
 MAIL SLOT, BOX, OR BAG)

*(FOR PERSONAL SERVICE) SIGNATURE MUST BE THAT OF MESSENGER)

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FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Dennis A. Winston, Esq. (SBN 68049)

Dennis A. Winston, A Professional Law Corporation
12823 Dewey Street
Los Angeles, California 90066

TELEPHONE NO.: (310) 313-4300 FAX NO.: (310) 572-4622

ATTORNEY FOR (Name): PETITIONER AND PLAINTIFF

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill Street

MAILING ADDRESS: Same

CITY AND ZIP CODE: Los Angeles, California 90012

BRANCH NAME: Central District


CASE NAME: WESTWOOD INVESTMENTS, LTD. et al. v
CITY OF LOS ANGELES, a municipal corporation, et al

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAY 09 2011

John A. Clarke, Executive Officer/Clerk

BY  Deputy
Chana Gridar

CIVIL CASE COVER SHEET

☒ **Unlimited**
(Amount
demanded
exceeds \$25,000)
 ☐ **Limited**
(Amount
demanded is
\$25,000 or less)

Complex Case Designation

☐ **Counter** ☐ **Joinder**
Filed with first appearance by defendant
(Cal. Rules of Court, rule 1811)CASE NUMBER: **BC 461158**

JUDGE:

DEPT.:

All five (5) items below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐
- Auto (22)
-
- ☐
- Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property
Damage/Wrongful Death) Tort

- ☐
- Asbestos (04)
-
- ☐
- Product liability (24)
-
- ☐
- Medical malpractice (45)
-
- ☐
- Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐
- Business tort/unfair business practice (07)
-
- ☐
- Civil rights (08)
-
- ☐
- Defamation (13)
-
- ☐
- Fraud (16)
-
- ☐
- Intellectual property (19)
-
- ☐
- Professional negligence (25)
-
- ☐
- Other non-PI/PD/WD tort (35)

Employment

- ☐
- Wrongful termination (36)
-
- ☐
- Other employment (15)

Contract

- ☐
- Breach of contract/warranty (06)
-
- ☐
- Collections (09)
-
- ☐
- Insurance coverage (18)
-
- ☐
- Other contract (37)

Real Property

- ☐
- Eminent domain/Inverse
-
- condemnation (14)
-
- ☐
- Wrongful eviction (33)
-
- ☐
- Other real property (26)

Unlawful Detainer

- ☐
- Commercial (31)
-
- ☐
- Residential (32)
-
- ☐
- Drugs (38)

Judicial Review

- ☐
- Asset forfeiture (05)
-
- ☐
- Petition re: arbitration award (11)
-
- ☐
- Writ of mandate (02)
-
- ☐
- Other judicial review (39)

Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 1800-1812)

- ☐
- Antitrust/Trade regulation (03)
-
- ☐
- Construction defect (10)
-
- ☐
- Mass tort (40)
-
- ☐
- Securities litigation (28)
-
- ☐
- Environmental/Toxic tort (30)
-
- ☐
- Insurance coverage claims arising from the
-
- above listed provisionally complex case
-
- types (41)

Enforcement of Judgment

- ☐
- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐
- RICO (27)
-
- ☐
- Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐
- Partnership and corporate governance (21)
-
- ☒
- Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 1800 of the California Rules of Court. If case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
- b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court
- c. ☐ Substantial amount of documentary evidence f. ☐ Substantial post-judgment judicial supervision

3. Type of remedies sought (check all that apply):

- a. ☐ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): THREE

5. This case ☐ is ☒ is not a class action suit.

Date: May 9, 2011

Dennis A. Winston, Esq. (SBN 68049)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet shall be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must check **all five** items on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 227 of the California Rules of Court.

To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) *(if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)*

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability *(not asbestos or toxic/environmental)* (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) *(not civil harassment)* (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice *(not medical or legal)*
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract *(not unlawful detainer or wrongful eviction)*
- Contract/Warranty Breach—Seller Plaintiff *(not fraud or negligence)*
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage *(not provisionally complex)* (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property *(not eminent domain, landlord/tenant, or foreclosure)*

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) *(if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential.)*

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
 - Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rule 1800-1812)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Toxic Tort/Environmental (30)
- Insurance Coverage Claims *(arising from provisionally complex case type listed above)* (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment *(non-domestic relations)*
 - Sister State Judgment
 - Administrative Agency Award *(not unpaid taxes)*
 - Petition/Certification of Entry of Judgment on Unpaid Tax
 - Other Enforcement of Judgment Case

Miscellaneous Civil Complaint RICO (27)

- Other Complaint *(not specified above)* (42)
 - Declaratory Relief Only
 - Injunctive Relief Only *(non-harassment)*
 - Mechanics Lien
 - Other Commercial Complaint Case *(non-tort/non-complex)*
 - Other Civil Complaint *(non-tort/non-complex)*

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition *(not specified above)* (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief from Late Claim
 - Other Civil Petition

**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 2 HOURS/ 1 DAYS.

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked.

For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (See Column C below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 2., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Intellectual Property (19)	<input type="checkbox"/> A6016 Intellectual Property	2., 3.

SHORT TITLE: WESTWOOD INVESTMENTS, ET AL. v. CITY OF LOS ANGELES, ET. AL.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach-Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input checked="" type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer - Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/ Vacate Arbitration	2., 5.

SHORT TITLE: WESTWOOD INVESTMENTS, ET AL. v. CITY OF LOS ANGELES, ET. AL.	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership/Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
<input checked="" type="checkbox"/> A6100 Other Civil Petition	2., 9.		

SHORT TITLE: WESTWOOD INVESTMENTS, ET AL. v. CITY OF LOS ANGELES, ET. AL.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 111 North Hill Street
CITY: Los Angeles	STATE: CA	ZIP CODE: 90012

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Los Angeles Superior courthouse in the Central District of the Los Angeles Superior Court (Code of Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subds. (b), (c) and (d)).

Dated: May 9, 2011



(SIGNATURE OF ATTORNEY/FILING PARTY)

Dennis A. Winston

PLEASE HAVE THE FOLLOWING DOCUMENTS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form JC 982.2(b)(1).
4. Complete Addendum to Civil Case Cover Sheet form CIV 109 _____ (eff. Date).
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form 982(a)(27), if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.